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BOON-SERVICES ON THE ESTATES OF RAMSEY  
ABBAY

BOON-SERVICES form so peculiar and interesting a part of the prædial life of the English villenage that a detailed examination of such services upon the more important English manors will, it seems probable, help to explain some of the social problems now troubling students of economic history. Since facts are at present more needed than conclusions, it is the object of this paper to gather together the information furnished by the printed records of the abbey of Ramsey, information to be considered fairly representative of the manorial life of east central England.

The abbey of Ramsey, founded in the time of King Eadgar, and continuing down to the general dissolution of the monasteries, was one of a group of important religious houses in eastern England, of which the more famous were Ely, Thorney, Peterborough, Crowland and, more distant, Bury St. Edmund's. The historian<sup>1</sup> of the abbey, writing shortly after the Conquest, describes the pleasant situation of the monastery in the fen country of eastern Huntingdon, and the rapid increase of the lands under its hand. By the thirteenth century the abbey's estates in Huntingdon and Cambridge, in Norfolk, Suffolk, Hertford, Bedford, Northampton and Lincoln included in all some fifty or sixty manors.<sup>2</sup>

The chartulary<sup>3</sup> of the abbey, the third volume of which appeared in 1893, contains valuable extents or customaries—inquisi-

<sup>1</sup> Gale, *Hist. Script.* XV., p. 385.

<sup>2</sup> The most important estates were distributed as follows: in Huntingdon, 24; in Cambridge, 11; in Norfolk, 8; in Suffolk, 1; in Hertford, 1; in Bedford, 2; in Northampton, 6; in Lincoln, 2.

<sup>3</sup> *Cartularium Monasterii de Rameseia*, edited without introduction by W. H. Hart and P. A. Lyons, published in the *Rolls Series*, Vol. I. 1884; Vol. II. 1886; Vol. III. 1893.

tions into the services and customs of the tenantry—the most complete dating from the second half of the thirteenth century. Since these customaries deal with manorial estates in eight shires, scattered thus over a considerable extent of territory, the evidence furnished by them becomes of more than merely local interest. An examination of their contents makes it clear that although in its essential characteristics life on a Ramsey manor did not differ from life on a manor of the same period elsewhere, yet in matters of detail there were sometimes interesting variations. It is hoped, therefore, that a study of the boon-services, the descriptions of which are especially detailed, may be of value.

It is well known that the great burden of the labor of an estate fell on the *virgatarii*, or villeins proper. This was due to the fact that the services of the wealthier tenants—the *libere feudati* and *censuarii*—had been largely commuted, and that the services of the minor tenants—*cotarii* and *croftmanni*—were small in amount. It is, therefore, to be expected that the larger part of the customaries should be taken up with descriptions of the villeins' obligations. Beside certain small payments in money and kind, these obligations were of prædial labor and consisted of week-work and boon-services.

Briefly stated, the week-work was as follows: every villein worked on the lord's demesne, or performed some services connected with the demesne, on at least two, usually three or four days weekly throughout the year. One of these days, usually Friday, was devoted to ploughing. In mid-winter and sometimes during the weeding, haying and harvest seasons other work was substituted on the ploughing days. On feast days all work was omitted, but another day was usually required to pay for the day thus lost. Beside ploughing, a villein's work consisted of harrowing and threshing in the proper seasons, of carting, of gathering thorns and rods in the woods and marshes for enclosures, of digging ditches, and sometimes of washing and shearing the sheep and guarding the sheep-fold. Toward the end of May and beginning of June fell the weeding of the corn, later in June the haying. The pressure of work being heavy at these periods, extra days in the week were often required by the lord; again during harvest, the busiest season of the year, the week-work in most cases was largely increased.

Where the week-work alone was not sufficient to cultivate the demesne it was supplemented with the boon-works or *precaria*. References to boon-services occur in almost all the Ramsey extents of the thirteenth century. In their essential characteristics such



services were alike on the different manors. In all cases the most important boons were of two kinds, those required at certain periods in the year to complete the ploughing of the demesne, and those required at harvest time to reap and gather in the crops. The descriptions of the harvest-boons are full and exact. The boon-ploughings, on the other hand, are referred to as a rule in a very cursory manner, so that it is difficult to define them with certainty. An examination of the existing material gives the following results :

*Boon-ploughings (precariæ carucarum).* The boon-ploughings are mentioned in the customaries not as merely incidental services to occur only if the week-work chance to be insufficient, but as necessary and fixed aids to the ploughing of the demesne. It is usually stated that the demesne of the abbot requires for its cultivation its own ploughs, the customary ploughing of the villata (*i. e.*, the weekly ploughing) and boon-ploughings.<sup>1</sup> The number of such boons varied on different manors, being left in some cases to the will of the lord.<sup>2</sup> As a rule, however, the tenant ploughed a certain number of acres or rods, or it may be during a certain number of days, three times a year. The first of these special ploughings fell in early winter, *ab hybernagium* or *in hyemale*; the second in early spring, *ad tramesiam*, and the third in summer, *ad warrectum*.<sup>3</sup> In one instance the periods of the ploughings are more accurately defined; a villein was to plough about the time of the feast of Saint Martin (November 11), about mid-Lent and about the time of the feast of Saint John Baptist (June 24 or perhaps August 29). The ploughings were called lovebones.<sup>4</sup> On the manor of Aylington the periods of the ploughing are a little different. Both the *Hundred Rolls* and the *Chartulary* mention on this estate a boon-ploughing about Christmas time as well as the one in November.<sup>5</sup> The winter ploughing about Martinmas took place at

<sup>1</sup> I. 331: "Dominicum Abbatis de Broughtone . . . cum consuetudinibus villæ, et duabus precariis carucarum vel tribus, possunt quatuor caruce sufficienter lucrari." For similar statements see I. 282, 304, 353, etc.

<sup>2</sup> I. 324: "Precariam carucarum faciet, quotiens sibi præcipiatur, ad diem domini in septimana, ad cibum domini."

<sup>3</sup> I. 441: "Arabit ter per annum, . . . scilicet in hyeme, Quadragesima et æstate in quolibet tempore seminis." II. 11: "Arat tres lovebones et unam ad hybernagium, aliam ad tramesium, tertiam ad warrectum."

<sup>4</sup> I. 50: "et debet tres aruras per annum, videlicet, circa festum Sancti Martini, et circa mediam Quadragesimam, et circa festum Sancti Johannis Baptiste, et vocantur love, bones."

<sup>5</sup> I. 488: "Tota villata . . . facient precarias cum caruca circa festum Sancti Michaelis ad cibum domini. Et si dominus opus habuerit, aliam precariam contra Natale." *Rot. Hund.*, II. 657: "Veniet ad tres precarias carucarum si dominus voluerit, semel post festum Sancti Michaelis, secundum qua Natale, tertio post Pascham ad cibum domini."

the sowing of wheat (*frumentum*), the ploughing *ad tramesiam* in the spring, at the sowing of barley and oats; the ploughing *ad warrectum* may have been a stirring of the field ploughed in the spring and left fallow.<sup>1</sup> If the three-field system prevailed, there would be, then, one field sown in early winter with wheat to be reaped in the fall, a second field sown in the spring with barley and oats to be reaped in the fall, and a third field lying in fallow.

There seems to have been a widespread custom on the manorial estates that the tenant sow with his own seed whatever he ploughed *ad hybernagium*. At the Lent-ploughing, on the other hand, he sowed with the lord's seed.<sup>2</sup> The seed furnished by the tenant himself was called *benesed*,<sup>3</sup> and in one case would seem to have been paid for by a sheaf of corn—as much as could be tied with one strand—given him the next harvest from the land he had ploughed and sown the preceding fall.<sup>4</sup>

It is difficult to determine to what extent the lord at the boon-ploughings observed the custom, universal at the harvest-boons, of providing food for the workers. Most of the customaries, in their scant descriptions of boon-ploughings, pass over the matter in silence. In the few cases where it is mentioned the lord usually provided the food.<sup>5</sup>

Very little more can be gathered from the customaries concerning the boon-ploughings. Of the second kind of boon-services, the harvest-boons, however, the descriptions are detailed and full.

<sup>1</sup> I. 296: . . . "et arabit etiam per annum, scilicet ad semen frumenti unam acram, ad semen hordei unam acram, et tempore warrecti unam acram." See also I. 343, 346.

<sup>2</sup> I. 384: . . . Arabit unam rodam hybernagium et seminabit frumento proprio; arabit etiam ad tramesiam unam rodam ad avenam, et seminabit illam avena domini." See also III. 276: "Et in hieme . . . arat unam rodam, et seminat illam cum semine suo: et in Quadragesima similiter, unam rodam sine semine."

<sup>3</sup> I. 461: "In tempore vero hyemali de consuetudine arabit unam rodam, et proprio semine, quod dicitur benesed, seminabit."

<sup>4</sup> I. 399: "Ad hybernagium seminabunt duo terram tenentes unam rodam de frumento proprio, et habebunt singuli eorum in autumnno sequenti unam garbam de eodem frumento, quantum poterit ligare uno ligamine, pro suo semine."

<sup>5</sup> For exceptions see I. 441: "Arabit ter per annum . . . in hyeme, Quadragesima, et æstate . . . ad cibum proprium." I. 475: "Quelibet caruca arabit ad cibum proprium unum sellionem . . . ad hybernagium . . . et vocabitur beneerthe."

In a few cases the amount and kind of food furnished by the lord is specified. In Brancester, for instance (I. 415): "ad hybernagium . . . habebit quelibet caruca pro singulis aruris tres panes debite quantitatis et decem allecia. Ad tramesiam . . . sicut ad hybernagium." In Houghton (I. 366) the villeins ploughed "ad cibum domini, et si eos non pascant, non arabunt." The tenants received, in this case, three farthings for each day's ploughing *ad tramesiam* and *ad warrectum*. In Ringsted a villein ploughing after All Saints received pasture in the croft until the middle of the following March. I. 406: "Faciet unam aruram una die post festum Omnium Sanctorum, cum quot capitibus habet in caruca, et pro illa habebit pasturam in crofta, ita tamen quod custodiat averia sua a damno domini usque ad medietatem Martii." This would seem to correspond to the *graserth* ploughings of other chartularies.

*Harvest-Boons (precaria autumni).* The harvest began about the first of August and lasted on into September. During this time all the crops on the demesne were to be cut, stacked, carried to the manor-house and stored in the grange. To meet the pressure of work as far as might be, it was the custom on many manors largely to increase the week-work. Where during the rest of the year the villein had worked perhaps three days in the week, during the harvesting he worked five days or, it may be, every day but Sunday<sup>1</sup>. Not only was the number of his days increased, but also the number of men he furnished to work on those days. If during the rest of the year he had worked alone or furnished a man to work in his place, during harvest he furnished two or more men. On one manor he worked every day in the week with one man, or every other day with two men.<sup>2</sup> In many cases reaping was substituted for his weekly ploughing. In the face of this large amount of work for the lord it is difficult to see how a villein's own harvesting was accomplished. References to such harvesting are rare; such as there are, however, go to show that there were a number of working men in every household not all of whom would be required by the lord. On the manor of Hemingford<sup>3</sup> all the men of the villa were required to aid the *firmarius* with his harvest, but not until they had finished their own reaping. Again on the same manor a tenant went to the *precaria* with all that reaped on his own land.

A simple increase in the week-work, however, was not sufficient for the reaping. As in the case of the ploughing, so also in the harvesting the lord depended largely on special services. In autumn the days on which such services were rendered were called *bene-*, or *boon-days*. The number of these days, although occasionally left to the will and discretion of the lord, was usually fixed for every manor. In the large number of cases three such days, or two and a third if necessary, were appointed; sometimes as many as four might be required.<sup>4</sup> The time of the occurrence of such services would depend upon the ripeness of the grain and the state of the weather. An advantage of boon-services over week-work was that the days for boon-services were not irrevocably fixed, but could be appointed when it seemed best to the lord. In one customary the

<sup>1</sup> See, for instance, on the manor of S. Ives, I. 288; Warboys, I. 310; Broughton, I. 335; Upwood, I. 345; Barton, I. 475.

<sup>2</sup> I. 299: ". . . a Gula Augusti, quolibet altero die hebdomadae, quam[diu] messis durabit, inveniet duos homines, vel quolibet altero die septimo pro voluntate domini inveniet unum hominem, excepto Sabbato."

<sup>3</sup> III. 311: "Et si homines villae citius compleverint messionem suam quam firmarius, omnes venient et adjuvabunt eum cotidie."

<sup>4</sup> I. 56: ". . . "debet quatuor precarias in autumnno, vel plus ad voluntatem domini." See also I. 311, 377.

times at which they would best occur are stated.<sup>1</sup> The first was to fall, if possible, in the third week of harvest, that is, usually, the third week in August; the second in the fourth week; and the third in the fifth week. Of these the first, or "great *precaria*," was the most important. The villein furnished more men to it than to the others,<sup>2</sup> and in many cases it was the only *precaria* attended by the wealthier tenants, the *censuarii*. On the manor of Houghton all in the vill that could work except the free went to the first *precaria*, to the second and third all that held lands, with all the efficient members of their families except their wives.<sup>3</sup>

Since the greater part of the labor of the harvest-boons fell on the villein, the customaries describe in detail his duties on these occasions. He went to the fields himself with all his family except his wife or some one who stayed at home to guard the house. If he were ill he might stay at home and his wife with him to tend him, or it might be that she went to the fields in his place.<sup>4</sup> In one case he stayed at home himself if he furnished four men to work.<sup>5</sup>

That the lord furnished food to the workers at the harvest *precariæ* has been already stated. In many of the extents there are full descriptions of the food thus received by the villeins, its kind and the quantity prescribed. It was distributed according to a set system, the kind of food varying regularly on different boon-days. As a rule, but one meal a day was provided, "nonemetes," but there are occasional references to food received at vespers also.<sup>6</sup> At the first *precaria* bread, cheese, smoked, fresh or salted meat, ale and *potagium*, a kind of drink made principally of beans and peas, were distributed to the workers; at the second, bread, cheese and fish, usually herring. On several manors (Hemmingford, Stukeley and Barton) meat was received at the second *precaria* as well as at the first. On

<sup>1</sup> I. 463: "In tertia septimana . . . in qua, si commodè possit fieri, erit magna precaria messis. In quarta hebdomada . . . erit secunda precaria . . . in quinta septimana . . . in qua, si necesse fuerit, poterit esse una precaria."

<sup>2</sup> I. 447: " . . . veniet ad magnam precariam cum tota familia, quæ potest operari. Ad secundum inveniet duos homines. Ad tertiam unum hominem."

<sup>3</sup> I. 367: "Præterea, si firmarius facere voluerit tres precarias in autumno, ad primam illarum veniet quotquot sunt in villa, qui operari poterunt, præter liberos (tenentes?), ad illam; etiam et ad duas alias veniet quilibet terram tenens, cum tota familia quæ operari potest, præter uxorem."

<sup>4</sup> I. 336: "Ad omnes etiam precarias autumnus veniet ipse vel uxor ejus, cum tot operariis quot habet; et si minus quam tres operarios habeat, alter eorum operabitur, et si plures, deferet virgam ultra suos operarios et non uxor; et si ipse infirmetur, uxor ejus domi remanebit ad ipsum custodiendum; et nihilominus omnes operarios mittet ad precariam."

<sup>5</sup> I. 300: "Et sciendum, quod quotiens invenit quatuor homines, bene licet ei domui remanere, si voluerit."

<sup>6</sup> I. 405: "Ad vesperam habebit duos billinges et caseum, vel duo allecia."

I. 414: "habebunt singuli ad vesperam duos panes, et duo allecia, vel caseum."

the third boon-day the same food was distributed as on the first, and on the fourth, if there were a fourth, the same as on the second.<sup>1</sup> The food was graduated according to this system on almost all the manors, the most striking exception being at Barnwell, in Norfolk, where at the first *precaria*, or "bedryp" as it was called there, bread, fish and water were received, at the second bread, meat and ale.<sup>2</sup>

*Extra Boon-Services.* The food provided at the harvest *precaria* would seem in origin to represent the thanks of the lord for the special services performed by the tenants at his request. By the thirteenth century, however, the giving of food had become an obligation to which the lord was as much bound as were the tenants to the rendering of boon-services. This transformation of a voluntary gift into an obligation gave rise to a new group of boon-services by means of which, it would seem, the lord endeavored to recompense himself for the food he gave to the tenants. In the Ramsey extents of the thirteenth century there is frequent reference to extra days of service demanded as a return for the food given at the regular harvest *precaria*. There is no evidence to show that they were demanded after the boon-ploughings, perhaps because the food received at those times was a less considerable factor and bore less heavily as an obligation upon the lord. These extra services are called in most of the extents *lovebones*. The term lovebone is not limited to extra services of this kind, but is applied to any service, outside the regular work, performed at the need and demand of the lord. It is worthy of note, however, that, although regularly given to the boon-ploughings, it is never used for the harvest *precaria*. The lovebone after the harvest *precaria* fell, as a rule, on the morrow of the first boon-day, but occasionally it was rendered at the worker's own pleasure.<sup>3</sup> The service was avowedly to pay for the food received at the *precaria*. On such occasions the villein providing his own food worked in person or furnished a man to work to pay for the food received from the lord on the preceding day.<sup>4</sup> In St. Ives if

<sup>1</sup> I. 300: "Veniet etiam ad primam precariam in autumnno cum quatuor hominibus, et habebunt panem, servisiā, potagium, carnem et caseum; et duo homines habebunt tres panes ita quod quantitas panis unius duobus ad prandium sufficiat; et panis erit de frumento et siligine, ita quod major pars sit frumentum. Veniet autem ad secundam precariam, sicuti ad primam, quæ erit ad panem, potagium, aquam, allecia et caseum; . . . Ad tertiam autem precariam veniet sicuti ad primam, si dominus voluerit; ad quam habebunt in omnibus sicut ad primam." See also I. 337, 324.

<sup>2</sup> I. 49: . . . "primum bederipe cum pane, allece et aqua; et alium bene faciet sine cibo, et alium bederipe, si placet domino; sed secundum bederipe cum pane, carne et cervisia; et inveniet sibi et familie sue unum ciphum ad potandum dum comedit, et feret secum domui sue plenum ciphum suum de cervisia, quamvis sit de una lagena . . ."

<sup>3</sup> I. 399: . . . "et ad diem proprium mittet quilibet unum hominem ad metendum, ad reddendum cibum precarie."

<sup>4</sup> I. 300: "Et inveniet unum hominem in crastinum ad reddendum cibum diei precedentis." See also I. 289, 311, 368, 395, 395.

the *precaria* fell before the first of August, the villen worked on the morrow with one man; if after the first of August, he worked with two men;<sup>1</sup> in most cases, however, only one man had to be provided. All the villata, except in most cases the *libere feudati*, were liable to such lovebones. Thus in Barton each man that had a house opening on the street furnished a worker to the lovebone whether he held by money rent or by labor.<sup>2</sup> *Censuarii* often worked after the first *precaria* only, whereas in many cases the villen worked after all.<sup>3</sup> Reaping<sup>4</sup> was the usual service performed at a lovebone of this kind; occasionally a "lovefother," or carrying service was rendered instead of, or as well as, the reaping. On the manor of Hemingford such carrying service was clearly rendered in return for meat and ale received at the *precaria*.<sup>5</sup>

These extra boon-services would seem, then, to witness to the increase and hardening of services in the thirteenth century. The boon-works first asked for, and then demanded, carried with them an obligation of food which in turn became burdensome to the lord. The original voluntary character of this obligation having been lost sight of, the lord apparently compensated himself for the food given by the imposition of new services, thus increasing the labors of the tenantry. This explanation would account for the fact that in Ramsey extents of a date earlier than the thirteenth century such harvest lovebones do not occur.

Although the boon-services thus far mentioned were the most extensive, there were others of minor importance and more or less sporadic occurrence. In the weeding and haying seasons, for instance, the villen performed sometimes slight boon-services instead of increasing his week-work, or it may be, in addition to such increase. For the lovebone at haying (*lovebone de falcatione*) the

<sup>1</sup>I. 289: "Et si ista precaria, ob maturitatem temporis, capiatur ante Gulam Augusti, quod aliquando accidit, in crastino illius precarie operabitur cum uno homine in recompensatione prandii precarie precedentis, sine cibo; et si post Gulum Augusti eadem capiatur precaria, inveniet duos homines operantes eodem modo quo prius."

<sup>2</sup>I. 488: "Item quelibet domus, habens ostium apertum versus vicum, tam de malmannis quam de cotmannis et operariis, inveniet unum hominem ad lovebone, sine cibo domini." Professor Vinogradoff, *Villainage in Eng.*, p. 284, makes this passage refer to the regular harvest *precaria*. This seems improbable, however, for, as has been said, the term lovebone is never used for the harvest boon-days, and in no instance does a reaper work on a regular boon without receiving food from the lord.

<sup>3</sup>See I. 289, where the villen works one day after each of three *precaria*.

<sup>4</sup>The *thancalfaker*, the reaping of the half acre, mentioned by Professor Vinogradoff, *Villainage in Eng.*, p. 285, would seem to belong to such lovebone services.

<sup>5</sup>I. 385-6: "Veniet ad primam precariam . . . Inveniet ad diem proprium unum hominem ad metendum pro cibo precarie; Carriabit etiam ad diem proprium unam carrectatam bladi, quæ vocatur lovefother. Si dominus necesse habuerit facere secundam precariam, veniet ad illam . . . Et si habuerit carnem et cervisiam sicut ad primum, inveniet unum hominem, et faciet lovefother, sicut ad primum."



villein usually received some compensation, in most cases twelve pence from the Abbot's purse for "sythale" or "scotale," and as much grass as he could lift on his scythe without bending the scythe to the ground or breaking it.<sup>1</sup> The customaries refer to boons or lovebones of harvesting, of carrying rods, threshing and planting beans.<sup>2</sup> Special ploughings are called "benerth"<sup>3</sup> or "wudobene,"<sup>4</sup> special reapings "beneryp."<sup>5</sup> Such services are called indifferently boon- or ben-services.

The boon-services, although falling most heavily on the villeins, were by no means confined to them. Cottars and croftmen also attended the *precaria*, going usually either alone or with one worker. *Censuarii*, too, all the rest of whose labor services had been commuted, had still to appear at the boons, in many cases at both the ploughing and the harvest boons. Some difference was made, however, between the *censuarius* and the ordinary villein. The villein at the harvest boons worked in the fields with his own hands, whereas the *censuarius* "bore a rod over the workers to admonish them that they should work well."<sup>6</sup> Usually too, the *censuarius* dined in the hall at the table of the *firmarius*, but the villein dined in the field with the other workmen.<sup>7</sup> A further distinction is sometimes found in cases, already mentioned, where the *censuarius* attended only the first *precaria*. Thus attendance at the boon-services was the last prædial labor of the *censuarius* to be commuted. Freeholders, the main characteristic of whose tenure was freedom from prædial obligation, did not of course as a rule appear. An occasional instance of their attendance occurs, however. On the manor of Upwood the holder of a free hide of the abbey, beside the usual services of a free-

<sup>1</sup> Most extents mention such customs at haying. See, for instance, I. 298, 307, 324, 460; II. 39; III. 65.

<sup>2</sup> III. 254: "Et herciat ad luebone duobus diebus, et portat virgas apud Sanctum Yvonem ad luebone una die; et purgat bladum una die ad luebone," etc.

<sup>3</sup> I. 475: "Qualibet caruca arabit ad cibum proprium unum sellionem. Et vocabitur benecrthe."

<sup>4</sup> I. 310: "In secunda septimana post festum Sancti Michaelis arabit dimidiam acram, quæ appellatur Wodebene." I. 487: "Qualibet virgata operaria arabit dimidiam acram in hyeme quod dicitur beene. Et in æstate aliam dimidiam acram, quod dicitur wudobene."

<sup>5</sup> I. 358: "Metet etiam duas rodas frumenti, quod dicitur beneryp, ligabit, et domi carriabit, sine cibo domini."

<sup>6</sup> I. 308: "... veniet ad omnes precarias autumnii, deferens virgam super operarios, eodem die in curia comesturus." I. 354: "Et veniet in propria persona, cum duobus hominibus suis operantibus, ad primam precariam in autumnio; et erit ultra operantes, ad monendum eos ut bene operentur." See also I. 336, 405; II. 47, etc.

<sup>7</sup> I. 368: "Ad singulas etiam istarum precariarum veniet tam Tancredus, quam heres Warini Blundi, cum tota familia sua, quæ operari potest, præter uxores, et ipsi deferent virgas suas super operarios. Familia vero eorum operabuntur sicut et alii. Ipsi etiam comedent in aula cum firmario, familie vero eorum cum operariis aliis." Cf. I. 492.

holder, ploughed and was present himself or sent his bailiff or reeve to the first harvest *precaria* to see that his tenants worked well.<sup>1</sup>

That the *precaria* should be the last rural service to be commuted is not surprising. Whereas, on account of its cumbersome nature, it was an advantage to both lord and tenant that the week-work be commuted, the lord would be reluctant to surrender services so important and convenient as the boons. The week-work could occur on stated days only; the boon-services on the other hand, within certain limits, could be demanded at the lord's discretion, and hence could be regulated by the weather and the condition of the crops. As a rule, the ploughing-boons seem to have been commuted before the harvest *precaria*, for in many cases the tenant rendered only the harvest-boons.<sup>2</sup> A few instances occur, however, of attendances at the boon-ploughings where the harvest-boons are not mentioned.<sup>3</sup>

In connection with the question of commutation it is interesting to compare with the thirteenth century extents others of an earlier period also contained in the chartulary. These earlier customs date from before the death of Henry I. and describe the conditions in the reign of that king. Though shorter and less detailed than the later customs, they cover in the main the same manors and relate with considerable accuracy the services of the tenants. By an examination of the two sets of extents it is therefore possible to compare both the week-work and the *precaria* on the same manor at an interval of about a hundred years. Mr. Seebohm, believing that the tenants on a manorial estate were originally serfs and that the lord could at one time demand from them unlimited labor, considers *precaria* the "necessary corollary to the limitation of week-work." For, according to his theory, as the number of days on which a tenant worked for his lord became fixed by custom, the lord demanded special services to fill up the gap left by the decreasing week-work. The week-work and *precaria* would thus stand to one another in inverse ratio, the one decreasing as the other increased. Would it not be expected, then, that in two series of extents for so large a number of manors as is described in the Ramsey chartulary there would appear a marked tendency towards increasing week-work? Such, however, is not the case; the tendency seems to

<sup>1</sup>I. 343: "Alexander . . . tenet unam hydram pro qua facit homagium Abbati et forinsecum servitium sicut alie hyde libere in Abbatia . . . Duas aruras faciet . . . Et quilibet ejus tenentium inveniet unum hominem ad primam precariam autumnii, ad cibum domini; et ipse, vel ejus ballivus vel prepositus, erunt, ad illam precariam, custodes ad videndum quod bene operentur."

<sup>2</sup>I. 287, 308, 333, 492; III. 245.

<sup>3</sup>I. 334, 344.

have been rather in the opposite direction. For, notwithstanding the appearance of boon-services, the week-work not only did not increase, but in some cases decreased, and even where the number of days required in the week remained practically the same the kind and amount of service to be rendered on those days is in the later extents much more definitely stated. On the manor of Upwood, for instance, in the time of Henry I. the villein worked three days weekly from harvest to harvest, four days weekly with two men during harvest and went to no *precarie*. In the thirteenth century, on the other hand, he worked four days weekly from harvest to haying, four days weekly during the haying season and four days weekly with two men during harvest and went also to boon-ploughings and harvest-boons.<sup>1</sup> Again, in Holywell in the time of King Henry the villein worked three days a week during the rest of the year and cut thirteen acres during harvest, attending no *precarie*. In the thirteenth century he worked three days a week up to the haying, three whole days during the haying and a fourth day until he had cut one-half acre, and during harvest every other day with two men or every day with one man, attending also the boon-ploughings and the harvest-boons.<sup>2</sup> A comparison of the extents of other manors gives like results.<sup>3</sup>

<sup>1</sup> Compare III. 270 and I. 340 et seq.

<sup>2</sup> Compare III. 281 and I. 293 et seq.

<sup>3</sup> The following tabulation of the number of days of labor on a few important Ramsey manors may help to illustrate the difference in services for the two periods. The tabulation for the thirteenth century cannot be made very exact, because the extents of that period vary greatly in their division of the seasons of the working year.

Before 1135.			13th Century.			Precarie.	
	Week Work. Number of Days			Week Work. Number of Days			
	from Har- vest to Harvest.	in the Harvest Season.		from Har- vest to Haying.	in the Haying Season.		in the Harvest Season.
Upwood. . .	3	4 with 2 men.	No Precarie.	4	4	4 with 2 men.	In the thirteenth century the villeins on the manors selected went to all the precarie.
Haliwell. . .	3	Villein to cut 13 acres.		3	3 and part of a fourth.	Every other day with 2 men or every day with one man.	
Hemingford .	2	3		3	3	3	
S. Ives. . . .	3	6		One week 5 next 3.	3	5	
Houghton. . .	4	5		4	4	5	
Cranfield. . .	4	5		4	5	5	
Barton. . . .	3	3		3	3	5	

NOTE.—In the earlier extents no haying season is mentioned.

Although the boon-services were greatly increased by the time of the later extents—in the time of King Henry I. such services being the exception, while in the thirteenth century they became almost universal<sup>1</sup>—nevertheless, since this increase was accompanied by no corresponding decrease in the week-work, it does not seem possible to consider one dependent upon the other. Rather, both would seem to show a decided increase in the liabilities of the villeins. Such an inference is strengthened by the fact that at the later period the autumn services were rendered still heavier by the lovebones imposed after the harvest *precaria*. Such lovebones, as has been said, are not mentioned in the extents of Henry I.'s time even when the *preces*, as the *precaria* are called, were required, and only one reference occurs in any extent before the second half of the thirteenth century.<sup>2</sup> In short, the tendency as shown in the later extents seems to have been toward a hardening and a more strict definition of all services still uncommuted, without any lessening in the amount of such services. It must be remembered, however, that although the two series of extents here considered are separated by a century, yet the earlier set does not go farther back than the reign of Henry I. The documents in the Chartulary dating from before that time throw but little light on the early social condition of the villein.

N. NEILSON.

<sup>1</sup> In the extents of the time of Henry I. harvest *preces* are mentioned on the following manors: Gravele, III. 278: "Et quamdiu messis durat, quatuor diebus operatur in hebdomada, et ad preces firmarii, cum tota familia sua, ad cibum domini veniet;" Elsworth, III. 300; Cnapwell, III. 301; Weston, III. 312; Schilingdon, III. 308; Gretton, III. 314. In Burwell, III. 309, *preces* are implied: "Et a Capite Augusti usque ad Natale Sanctæ Mariæ operabitur quatuor diebus; Et præter hoc metet duas acres et tunc habebit cibum suum."

The boon-ploughings do not occur by name in the earlier extents, but in some cases such ploughings seem to have existed. III. 269: "Et, si firmarius rogaverit, ter arabunt ad eibum firmarii." III. 276: "Et in hieme . . . arat unam rodam et seminat illam cum semine suo, et in Quadragesima similiter, unam rodam sine semine." See also III. 259, 278, 279, 308, 311, 312.

<sup>2</sup> In an extent of Hemingford dating from the end of the twelfth century, II. 243: "Et ipse erit ad primas preces cum omni familia sua, excepta uxore; et crastina erit ad lovebone."

## THE CAHIERS OF 1789 AS AN EVIDENCE OF A COMPROMISE SPIRIT

IN the many works which have been written on the French Revolution, one of the conceptions which the historical student most frequently meets is that the whole movement was the result of an intense feeling of bitterness existing between the noble and peasant classes, due to the exemptions and privileges which the former enjoyed. It has been asserted that it was this hatred of the nobility which made the whole Third Estate stand as a unit for the meeting of the States-General in a single assembly, while the privileged orders were as strenuous in their insistence upon the preservation of the old forms, and that it was not until one of these sentiments obtained a distinct victory that there was any opportunity for settling parliamentary institutions. I shall endeavor to show by a somewhat careful analysis of the cahiers of the periods that the assumed unity of the several orders was by no means a fact, that from the beginning there was a strong feeling among the clergy and nobility favorable to compromise forms and that the peasantry were not unanimously against such a solution.<sup>1</sup>

Disregarding for the moment the customary grouping into nobility, clergy and Third Estate, the cahiers seem to justify a division of their authors into four classes: the reactionists, for whom the old methods of absolutism were sufficiently profitable; the mere complainants against the results of that system, who had nothing to offer as a substitute; the advocates of the radical school of democracy; and finally a section who wished reform in administration and were willing to attain it either by grafting new features upon the old régime or by abolishing it in its entirety, if only they could be persuaded that the proposed substitute would be both practical and permanent. It must also be remembered that the cahiers were not primarily voicings of the ideas on government prevalent in France at the time, but rather expressions of discontent with existing conditions. Thus the presence of a willingness to compromise is shown not so much by the proposals for new forms of government as by concessions to existing forms. Those cahiers which distinctly advocate views presumably opposed to the interests of

<sup>1</sup> It is by no means the purpose of this paper to present an exhaustive analysis of the cahiers on social and economic matters, but merely to consider them in so far as they relate to questions of the organization of the Assembly.

their class must be increased in number to get a true representation of the desire for harmony of which they are an evidence.

By the summoning of the States-General the government declared itself incapable of remedying existing conditions, calling upon the people for aid, and it was not until this declaration that plans for constructive legislation began to be hesitatingly advanced. Some of the petitions ask the king of his own good power to correct existing evils, while others turn to the Assembly for guidance. On one point alone are the people nearly unanimous; in the future financial affairs must be more ably conducted and the people consulted regarding taxation. Yet it is easy to infer too much from this. It was rather to cure the partiality with which the taxes had been assessed than to exercise any intrinsic right of saying how much should be levied that the States-General meant to assume control of taxation. Fully as much stress is laid on the provincial estates, whose duty this was, as upon the States-General. The fear of each order was that it would not be treated justly in the re-assessment.

It is for this reason that the cahiers divide on the question of vote by order or by head. Compromise methods of organization are suggested, and although but little attention is paid to these schemes, yet the mere fact that such suggestions are advanced and that the division on the question of voting does not correspond with the division into nobles and commoners so often made is surely of great importance in ascertaining whether or not there existed that radical feeling of hostility between the orders which would have prevented the acceptance of compromise measures had they been suggested by the king or some other recognized leader.

The cahiers of the Third Estate are more nearly unanimous than are those of the upper orders, especially insisting on vote by head until the questions of taxation are disposed of. There is, however, a noteworthy lack of expressions which would seem to imply any intention of doing away with the social privileges enjoyed by the nobility or of bringing either of the upper classes into a position of equality with the Third Estate. More frequently the king and the upper orders are assumed to be ignorant of the evils of the time and faith is expressed that, were they aware of the conditions, remedies would be effected. On the other hand, the majority of the cahiers of the nobility favor vote by order and the clergy incline in the same direction.<sup>1</sup>

<sup>1</sup> Typical demands may be found in the cahiers of the Third Estate of Poitou, the nobility of Bourgogne and the clergy of Blois. See also a pamphlet entitled, "*L'Aristocratie enchaînée par le Peuple et par le Roi*," where a single chamber is considered as working for the interests of the king against the nobles.



This statement of the general trend of the three orders must not be taken as the unanimous voice of each. In every case there were exceptions, and the character of the men elected as delegates often shows that there was not that feeling of unity in each order which we are led to expect. Thus the Third Estates of Mantes et Meulan and Villers-Cotterets ask for the old division into orders, and in many other cases vote by head, while considered desirable, is not insisted on.<sup>1</sup>

Among the upper estates exceptions are yet more common, as is but natural. The nobility was divided into two distinct classes, that of the sword and that of the robe. Among the former we find many liberal men who saw that the existing government in France was not a success and who earnestly desired something better, above all, men who had travelled,<sup>2</sup> and seen the workings of other constitutions. Moreover, the differences in wealth and conditions between the nobility and the Third Estate have often been exaggerated. The noblesse was not wealthy at the time of the Revolution. It "is being ruined and is wasting away day by day, while the middle classes are getting the large fortunes," wrote a noble as far back as 1755. They had sold their lands bit by bit to the peasants, retaining only the seignorial rights which often gave them the appearance rather than the reality of wealth. "A short period of abolition of technical rights and we shall have a new Society." An examination of their cahiers shows many of them controlled by the liberal wing, and we must assume that there were other assemblies in which the minority was large. One of the cahiers read as follows: "The votes should be by head and not by order, such a manner of proceeding being the only sensible one, and the only one tending to remove and destroy that egotism of caste which is the source of all our evils." Others would have this method of voting in regard to taxation alone, while others would postpone its operation to the next Assembly.<sup>3</sup> Of the dele-

<sup>1</sup>Le Tiers de Paris extra Muros, Bozas, Castelnaudary, Le Ponthieu and fifteen others distinctly provide for a change of view if it is considered advantageous. Le Maine asks for vote by order with the upper orders united. Of the total of delegates chosen there were: 15 nobles and high military officials, *i. e.*, nobility of the sword; 2 members of the parliaments; 150 minor officials, servants of the upper orders or of official establishments; 25-30 city and commune officials, maires, échevins, etc.; 210 lawyers, notaries, etc.; 75-80 shopkeepers, traders, etc.; 50 landowners; 40 ordinary laborers; 6-7 solely literary men. See *Liste par ordre alphabétique de Bailliages et Sénéchaussées de M.M. les Députés aux États-Généraux*, Paris, 1789.

<sup>2</sup>See the list in Buckle, *History of Civilization*, I. 653-4; also the *Annual Register*, 1787, p. 4; Walpole, *Memoirs of George III.*, III. 107.

<sup>3</sup>There are about 150 cahiers of the nobles found in the *Archives Parlementaires*; of these 38 are absolutely opposed to vote by head; 20 seem opposed but do not forbid their representatives joining if this plan be adopted; 24 demand vote by head; 20 authorize it without restrictions; 37 are willing to resign themselves to it under various restrictions; 12 say nothing about the matter.

gates elected, the vast majority seem to have been noblemen of the sword as distinct from that of the robe, and nearly half to have been from the country.

Fully as noteworthy is the division among the clergy. As regards social questions, this order formed a miniature picture of all France. They are divided into two classes, the archbishops, bishops and higher ecclesiastics generally, drawn from the nobility and naturally sympathizing with them and the curés, who as logically sided with the commoners. This distinction is recognized in several of the cahiers, where two chambers are suggested, the clergy being divided. Among their petitions, then, we find less unanimity than in the case of either of the other orders,<sup>1</sup> while, owing to the large percentage of curés, it is probable that many of the doubtful cahiers may be taken as expressing a willingness to assent to compromise measures.

Thus among clergy and nobility there are many who distinctly sympathize with the peasantry, while among the latter there are many who wish a peaceful solution of the vexed question of organization, caring little for forms of government if only financial burdens may be equalized. The more we examine these lines of division the more evident it becomes that the terrible character of the French Revolution was not caused by the gradual accumulation of burdens upon the shoulders of the peasants, causing the gradual growth of a spirit of hostility between the several orders, but that there must have been somewhere a great lack of organizing ability, a dearth of the spirit of what we term practical politics, to allow such forces of moderation to have been wasted and a small minority of the dissatisfied sections to carry with them an Assembly the majority of which was composed of well-meaning delegates anxious to avail themselves of some practical way out of the difficulties which surrounded them.

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Professor Stephens in his *History of the French Revolution* gives an incorrect idea of the position of the nobility on this question (I. 55), possibly taken from the *Histoire Parlementaire* or Loménie's *Les Mirabeau*, where a statement corresponding to this may be found.

<sup>1</sup>Of the 145 cahiers of the clergy, 9 seem to favor vote by head; 22 declare absolutely for vote by head; 33 declare absolutely for vote by order; 22 declare for vote by order with certain restrictions; 7 say they have a right to claim vote by order; 12 leave the matter to their own delegates; 40 make no mention of the method of voting. Of the persons elected, 205 seem to have been curés, 52 abbés or canons, 42 prelates, 7 monks, not including those clergy elected to represent other orders.

## THE CASE OF FROST vs. LEIGHTON.

THE subject of "Appeals from Colonial Courts to the King in Council" was treated fully in a paper communicated to the American Historical Association at the meeting held in Washington, December, 1894. The writer of that paper qualifies his title by adding the words "with special reference to Rhode Island." Whatever may be found in the records of our courts, whether in Rhode Island or elsewhere, which will throw light upon contemporaneous views of the courts as to their powers to interpret colonial charters will be welcomed by students of constitutional law. Questions which would compel the exercise of these powers might arise when the appellate jurisdiction of the Privy Council was invoked. There were doubtless many of these cases in which points of this kind were discussed, the records of which would prove of interest to-day if we could see them, but with the exception of a few of the more prominent of them, such for instance as the famous case of *Winthrop vs. Lechmere*, we know but little about cases of this class. When the Supreme Court of the United States reached the conclusion in *Marbury vs. Madison* that Congress had no power to pass the act which conferred upon that Court authority to issue writs of mandamus, it was confronted with the fact that there was no precedent in English jurisprudence for declaring null and void an act which had received the sanction of the law-making powers of the government. There was, however, in the records of the Superior Court of Judicature of the Massachusetts Bay,<sup>1</sup> a decision rendered in 1738 and repeated in 1739, in which the court refused to enforce an order issued by His Majesty in Council, because the powers of the court derived through the charter and the laws passed to carry the same into effect, were in the judgment of the court inadequate for that purpose. An analysis of the two cases will disclose a certain parallelism. The Supreme Court of the United States, interpreting the Constitution, the source of its authority, declared that it could not in the exercise of original jurisdiction issue writs of mandamus, notwithstanding the action of Congress, because no such power was conferred upon the court by that instrument. The Superior Court of Judicature, interpreting in a similar way the Province Charter, and the laws through

<sup>1</sup> Mr. William P. Upham, who is employed in arranging the early Suffolk files, called my attention to the importance of this case.

which they derived their powers, asserted, that notwithstanding the explicit instructions received from His Majesty in Council, they were unable to carry out the royal order, because adequate powers were not conferred upon the court. The circumstances under which this important stand was taken by the Superior Court of Judicature were as follows :

In 1730 a license was granted by the Crown to Ralph Gulston, a London merchant, to enter upon any lands in Maine, the title of which stood in the Crown on October 7, 1691, and to cut down and remove a sufficient number of the trees reserved for the Crown then standing there, to enable him to carry out a certain contract for supplying the royal navy with masts and spars, into which the said Gulston had entered. The right to enter upon the lands in Maine and to cut down trees which was thus granted to Gulston was derived from the charter of William and Mary, in which all trees then standing upon public lands which were two feet in diameter, at the height of twelve inches from the ground, were reserved for the Crown. Before entering upon any lands Gulston was compelled to satisfy himself that the title was in the Crown October 7, 1691, and before cutting any trees he must be prepared to show that they were of the required size at that date. These were questions of fact which were likely to arise in case of litigation in connection with the exercise of the license. The title to the land could readily be proved by the records. The opinion of the Surveyor-General of His Majesty's Woods on the continent of America, after he had "viewed and allowed" the trees which it was proposed to fell, was probably acceptable evidence upon the question of the size of the tree at the time of the grant of the Charter.

Gulston was known in London as a Turkey merchant and was a member of a distinguished family, which traces its pedigree from Sir Ralph Gulston, knighted on the field of Cressy by the Black Prince. One of the descendants, bearing the same name, made a noted art collection which finds mention in works devoted to the history of London. The grandfather of the Turkey merchant was Dean of Chichester, chaplain and almoner of Charles I., and was present with Charles at the time of his execution. The fact that Gulston could secure a contract for furnishing masts and spars to the royal navy is evidence of his influence at court. It does not appear that he came to this country, but the statement is made that he was represented in Boston by Samuel Waldo, who, acting in his behalf, employed William Leighton, of Kittery, to attend to the cutting and loading of the masts under the contract.

In furtherance of this object, Leighton, in the winter of 1733-

1734, organized a gang of choppers and established a logging camp in some woods situated on a farm in Berwick, known as the Caroline farm, the title to which in 1734 was vested in John Frost, of Berwick, but in 1691, at the time when the charter was granted, was in the Crown. Before entering upon the work of cutting down the trees, Leighton procured the services of David Dunbar, Surveyor-General of His Majesty's Woods on the continent of America, to view and allow a certain number of trees, which trees Leighton then proceeded to fell and haul out for shipment. Thus far Leighton was not molested by the owner of the land; but in the spring Frost commenced a suit against him for trespass, the process being made returnable at the Inferior Court of Common Pleas, at the York term to be holden on the first Tuesday of April, 1734. The damages in this suit were laid at £200.

Leighton put in an appearance in the suit through William Shirley, a lawyer of ability, better known perhaps through the fact that he was afterwards for many years governor of the province of the Massachusetts Bay. Shirley in his pleadings admitted the cutting of the trees. He alleged, in bar of the plaintiff's right of action, that these acts were performed under the license granted to Gulston, and set forth in detail various points concerning the question of title and the viewing and allowing of the trees by the Surveyor-General, which if admitted by the plaintiff would have relieved the defendant of the charge of trespass and made the cutting of the trees a lawful act. Shirley evidently expected that the plaintiff would be compelled to join issue by replying or demurring to his plea.

The plaintiff neither replied nor demurred, but left the court to determine how the issue should be settled upon the pleadings as they stood. Shirley was of opinion that the failure of the plaintiff to reply or demur was, under the rules of pleading, an admission of the facts stated in his plea and bar, which statement of facts constituted in his judgment a perfect defence to the action. The court, however, entertained a different opinion, and called upon him to make some other plea. Confident in his legal position, and doubtless influenced by the further fact that by standing upon this point he avoided the submission of his case to a jury, Shirley refused to change his plea, whereupon the court awarded judgment for the plaintiff. The papers in the case do not indicate who represented the plaintiff at this stage of proceedings. Later on the name of Noah Emery appears, and it is probable that he conducted the case from beginning to end. Willis, in a note in his *History of Portland*, pp. 616-617, gives an account of a case in which Emery appeared for the plaintiff and Shirley for the defendant, for which he gives as

authority the "Judge Sewall MSS." From this account I quote the following extract :

" William Shirley, of Boston, afterwards Governor of Massachusetts, for the defendant, filed a special plea ; but as special pleading was rarely used in that day and by the practising attorneys of those times little understood, and much less by the Court, the plea was answered by some *ore tenus* observations by the plaintiff's counsel, and the cause went to trial ' somehow or other. ' "

Notwithstanding the fact that Judge Sewall, in his description of the case of which he writes, states that the plaintiff was represented by Matthew Livermore, and further that at a later stage in the proceedings he introduces Mr. Auchmuty as counsel for the defendant, neither of whom appeared, so far as we know, in the case of *Frost vs. Leighton*, there can be but little doubt that he referred to the case which we are now considering. Whether this be so or not, the court before which Shirley made his plea in bar was the one of whose knowledge of special pleading the above estimate was made.

From the judgment in the Inferior Court, Shirley appealed to the Superior Court of Judicature. The case was heard in that court in June of the same year, and the judgment of the lower court was affirmed. The language of the court, stripped of technicalities, was that Shirley's plea contained statements of fact and that he ought to have so pleaded as to permit the case to be submitted to a jury.

Execution was promptly issued and the amount of the judgment with costs was collected from Leighton. Shirley then moved for an appeal to the Privy Council, but the court denied his right to do this. The charter conferred upon litigants the right to such appeals where the matter in difference exceeded the value of three hundred pounds. In this case the judgment was for one hundred and twenty-one pounds damage, and four pounds eighteen shillings costs of suit. The defendant was not entitled to an appeal and the court had no power to grant the motion. It did not follow from this that the Privy Council had no power to hear such an appeal, although such evidently was the opinion of the court. From an opinion of the counsel of the Board of Trade given in 1717, we learn that appeals under such circumstances had often been allowed by His Majesty.<sup>1</sup>

Nothing further could be done on this side of the Atlantic. Gulston was not, however, content to submit quietly to this conclu-

<sup>1</sup> Chalmers's *Opinions*, II. 177.



sion of the case. His next move was to invoke the aid of the Duke of Newcastle, who, on the 3d of October, 1734, wrote the governor of the province asking his assistance in the matter. Belcher replied on the 9th of December, stating that he was willing to do all that he could to prevent unjust and vexatious prosecutions of contractors, but that he was powerless to stop the course of the law.

The next step taken was to petition the Privy Council, in the name of Leighton, for a hearing. This petition was granted July 9, 1735. Having secured the right to be heard, Gulston, in the name of Leighton, then filed a petition for a reversal of the judgment in the province courts and for the restoration of the money which had been collected on execution. The matter was referred on the 30th of July, 1735, to the committee for hearing appeals, and on the 2d of April, 1736, they reported recommending by the consent of all parties, as they stated, that the judgments be reversed, that the money collected of Leighton be restored; that the appellant plead anew in the case, suggestions being made by the committee as to a new plea that would overcome the objections raised by the court to the former plea; that in the new trial the evidence be reduced to writing, and that in such trial either party have the right to appeal to the Privy Council. This report was approved by his Majesty in Council, April 29, 1736, and the royal order was issued that it be duly and punctually observed and complied with. The governor and all others whom it might concern were ordered to take notice and govern themselves accordingly.

This order was transmitted to the other side of the Atlantic, but arrived too late to be presented that year at the York session of the Superior Court of Judicature. During the interval between the decision of the court in 1734 and the receipt in Boston of the royal order in the summer of 1736 Shirley had retired from the case, and William Bollan, an attorney of high standing at the Massachusetts bar, had been employed as his successor. This transfer was undoubtedly of a friendly nature, as Bollan, who was an Englishman by birth, came to Boston in company with Shirley and married one of his daughters. It was evidently thought that it was a mere matter of form to present the royal order and that, by submitting it to the court on the first opportunity, the way would be cleared for reviving the case at the session of the Court of Common Pleas in York in the spring of 1737. With this intent, Bollan appeared before the Superior Court at the September term in Bristol and, after submitting the royal order, moved that execution be issued against Frost for the sum of £125, 18 s., and that the order be complied with and observed in all respects. The court caused the royal

order to be read publicly in court and directed the clerk to enter it upon the records, but deferred further consideration of it to the June sitting of the court at York, in 1737.

On the 22d of June, 1737, Bollan brought the matter up at York and renewed his motion. It is evident that the first intention of the court was to issue a summons to Frost to appear and show cause why he should not comply with the royal order. At any rate, there is a draft of an order of court to that effect entered upon the York docket for that term, which was subsequently crossed out, and a new order was entered that the subject-matter required the most mature consideration and the court would advise thereon until their next sitting. By the next sitting the next term at York was meant. This order therefore postponed the decision for another year.

On the 21st of June, 1738, the hearing upon the motion was renewed, and the court then decided that if the case should come before them a second time in the manner directed in the royal order they would endeavor to do what to justice should appertain, but as to issuing an order for an execution as prayed for, the court having considered the royal charter, together with the laws of the province and the constant usage and practice of the court, were of opinion that they had no authority to give such an order.

The royal order contained three clauses: 1. That both judgments should be reversed. 2. That the money should be restored. 3. That the appellant should be allowed to plead again, and the method suggested in the order was such as to avoid the objections raised to the former plea in the Inferior Court, which objections had been sustained by the Superior Court. In their decision the court made no mention of the first clause, which contained a specific instruction to the court. As to the second, they refused Bollan the only practicable means of enforcing that part of the order. It may, however, be said that no mention was made in the order of the method by which the money was to be restored. In saying, in response to that portion of the order contained in the third clause, that they would do what to justice should appertain if the case should come before them again as directed in the royal order, they were certainly disingenuous. It was impossible that the case should be revived until they should reverse their judgment and send down an order of reversal to the lower court, nor could this well be done so long as the execution in the case stood satisfied of record. The effect of this decision was as conclusive as if the court had said: We positively refuse to obey the royal order. Nearly two years had elapsed since the arrival of the order in this country. Nothing more could be hoped for by Leighton from the courts. Application was,

therefore, made by Bollan to the governor for redress. The petition to the governor recited the various events which had taken place, and was accompanied by the original royal order. In this petition Bollan purposely omitted mention of the council. This body was chosen by the assembly. The reservation of the trees in the New England forests for the royal navy caused much disturbance in the minds of those who owned property the value of which was likely to be affected by the exercise by the Crown of the right of cutting this timber. Complaint upon the subject had become chronic and the subject had aroused discussion. An appointee of the Crown, like the governor, might be expected to sustain the rights of the Crown. Officers elected by the assembly could not be relied upon to assume an attitude in this regard which would be in opposition to the popular feeling. Belcher relieved himself of the responsibility which Bollan sought to impose upon him by referring the matter to the council. On the 14th of September, 1738, that body considered the petition and said that, inasmuch as Leighton had sought a remedy in the courts and had made no application to his Excellency till after the proceedings in the Superior Court, they were of the opinion that it was not proper for his Excellency to do anything in the affair. This decision of the council having been reduced to writing, Belcher on the same day endorsed upon the document a statement that the advice of the council was agreeable to his own sentiments and that he was prevented from doing any service in the affair.

Again the suit was transferred across the ocean, and again the power of the Privy Council was invoked by the contractor to protect his own interests and the rights of the Crown in the forests of New England. A second petition was presented to the council on the 21st of December, 1738, in which there was a prayer for relief and that the order formerly issued by His Majesty in Council might be enforced. All the proceedings which had taken place at the former hearing were recapitulated, and the petitioner set forth the court's delays, the governor's evasion of responsibility, and his own injury, and in forcible language called attention to the damage thereby caused to the authority of the Crown.

The committee to which the consideration of the petition was referred, after having heard counsel in behalf of the petitioner and of the governor, the Council and the Superior Court of Judicature of the Massachusetts Bay, reported that the royal order had not been carried into execution either in whole or in part. The registers of the Privy Council show that there was a report and order February 23, 1738, and a further order March 22, 1738. These are old-style dates, and the year should be 1739, to correspond with

our present system of notation. The second date agrees with the date of the issue of a second royal order, based upon the report of this committee. This order was in substance as follows: 1. That the former order be forthwith and without delay carried into execution. 2. That John Frost do immediately restore to petitioner the money recovered on execution. 3. In case he should refuse to do so, that the Superior Court do take steps to compel him thereto. 4. That the petitioner withdraw his former plea in the Inferior Court and plead in general issue not guilty. 5. The Inferior Court and the Superior Court of Judicature in the province are required to pay due obedience to the former order and likewise to the present order. They are also required to cause this order to be recorded and if they failed to record the former order they are also to have that entered of record.

The second royal order was forwarded to Massachusetts, and Bollan proceeded to lay the foundations for new proceedings before the courts by making a demand upon Frost on the fifth of June for the restoration of the money which had been collected from Leighton on execution and by causing the royal order to be shown to him. Frost refused to pay the money or any part thereof. Bollan then submitted the second order to the inspection of the governor and presented a petition in behalf of Leighton, in which he recited the facts connected with the issue by His Majesty in Council of this order. He alleged that he had shown this order to Frost and demanded the restitution of the money, but Frost had declined to do anything about it. He asserted that it was his intention to appear before the Superior Court at York in June and move for an execution against Frost, so that he might be compelled to restore the money according to the order; and that, at the July term of the Inferior Court of Common Pleas at York, he should move to withdraw his former plea and plead anew according to the order. He should also move to have the orders recorded. He prayed the governor to support His Majesty's authority in the premises and cause His Majesty's aforesaid Order in Council to be without delay and punctually complied with. This petition was received June 11 and was referred to the council June 15. The council voted to recommend the courts, when the application of Leighton and the royal order should be laid before them, to proceed thereon without delay and do that which to law and justice should appertain. The royal order and this answer to the petition were delivered to Bollan the next day.

On the 21st of June the royal order was produced and read in the Superior Court of Judicature, then sitting at York. The clerk made the following endorsement thereon:

"His Ma<sup>ty</sup>s Second Order in Councill, on the Peticion of W<sup>m</sup> Leighton complaining of the high contempt and disobedience shewn by Gov<sup>r</sup> Belcher to his Ma<sup>ty</sup>s former order in Councill. This Ord<sup>r</sup> being produced by Mr Bollan was Read in Court June 21<sup>st</sup> 1739.

Att<sup>y</sup> S Tyley Clerk."

The grim humor of this endorsement shows that, even amid the perplexities with which the court was surrounded, there were those who enjoyed the fact that the royal governor of the province shared with the court the embarrassment of the situation.

Bollan presented to the court a memorial and petition founded upon the royal order, praying for an execution against Frost in order that he might, according to the royal order, be compelled to restore the money which had been collected from Leighton on execution. This document is missing from the files, but is described in the opinion of the court. A written answer to this petition was filed by Frost through Noah Emery, his attorney. He objected in the most humble manner to the granting of the motion made by Mr. William Bollan, attorney to the said Leighton, and humbly prayed that nothing in his reasons or objections might be taken as any contempt of His Majesty's royal authority or as wilful disobedience to any of his royal orders, which he was and always had been ready to obey in all things lawful and right as far as he understood them. He would at all times endeavor to do and perform his duty to the King's most excellent Majesty. For reasons why the court ought not to grant the execution he most humbly begged to show that by the charter the General Court of the province had power to establish laws and to constitute courts for trying all manner of causes arising or happening within the province. In personal actions where the matter in difference exceeded the value of three hundred pounds sterling, the party aggrieved by the judgment could appeal to the King in Privy Council. The Superior Court had been duly established by an act of the General Court which had received the royal approbation, and the justices had taken oath to administer the same after the laws and usage of this province. He conceived that this honorable court was not by law impowered to award execution upon the judgment of any other court, but could only do so on the judgment of the court itself, and the order for restoring the money not being the judgment of this court he humbly conceived that the court had not power to grant execution upon the same or by any such way enforce the payment thereof. He humbly conceived that the clause in the royal charter allowing appeals to the Privy Council where the matter in difference exceeded the value of three hundred

pounds meant and intended that no appeal could lie unless the matter in difference exceeded three hundred pounds.<sup>1</sup> If an appeal should be taken from a judgment in some manner not provided for in the charter and not according to the usage of this province, and if the parties made an agreement to have such judgment reversed and the money restored, then the party pretending to be aggrieved could pursue the party at fault in some other manner, but such agreement he conceived was not binding in this court.

Reference has already been made to a case referred to in a note in Willis's *History of Portland*, and the opinion has been expressed that, notwithstanding certain differences between the account given by Judge Sewall and the facts as stated in this narrative, the case referred to is the same. It may be of interest, therefore, to quote what Judge Sewall says concerning the royal order and Emery's answer.

"The order of restitution was addressed to the Superior Court, and Mr. Auchmuty, an able lawyer of Boston, made an earnest application to the court to have the order carried into effect; the court was somewhat perplexed on the occasion, but Mr. Emery, as counsel for the plaintiff, drew up an answer to Mr. Auchmuty's petition, in substance as follows: That the Superior Court of Judicature was a court constituted by the law of the province, whereby they were authorized to hear and determine such civil matters therein mentioned as were made cognizable by them, and to render judgment thereon, and to issue execution pursuant to their own judgment and not otherwise. And if counsel for the defendant in this case had obtained a different judgment from what appeared upon their records he must go there for his execution, as they were not by law empowered to issue any execution contrary to their record of their own judgment. The court were satisfied with this answer and complimented Mr. Emery upon the manner in which he had relieved them from their embarrassment."

Judge Sewall's statement of Emery's point that the court had no power to issue an execution on a foreign judgment is put in more forcible language than that of Emery himself, but the judge entirely omits the argument by which Emery established the point that the judgment was not an original judgment of the Superior Court. If the appeal had been properly entertained by the Privy Council they would have had power to reverse the judgment. The court must, therefore, have adopted Emery's opinion that the language of the

<sup>1</sup>It was not contended by the English lawyers that His Majesty could order a rehearing in every cause. Jurisdiction was essential and it is this point which Emery was discussing. In an opinion given to the Board of Trade by Edward Northey, December 19, 1717, he said: "His Majesty cannot, by law, give a direction to any court for to rehear any cause depending therein, but rehearsings are granted or denied by Courts of Equity, on petition of the parties grieved, to such court as shall be judged proper." Chalmers's *Opinions*, II. 177.



charter meant that no appeal could lie unless the matter in difference between the parties exceeded three hundred pounds in value, or they would not have pronounced, as they did on the twenty-sixth of June, the following decision:

"The court now taking into their serious consideration the said Memorial and Petition together with the answer of Noah Emery Attorney at Law in behalf of the sd Jno Frost are of opinion, That they have no authority by any Law of this province, or usage of this Court to order such an Execution. And the Provision made in the Royal Charter respecting appeals to his Majesty in Council, does not as they apprehend, warrant any such Execution but points to a method of another nature in all appeals to be made conformable to the sd Charter. This was, in effect the Judgm<sup>t</sup> of this Court when they sat in this County the last year, upon a motion made by the sd William Bollan in behalf of the sd William Leighton to the same purpose upon an order of His Majesty in Council dated the 29th of April 1736; And the Justices of this Court now present, see no reason to depart from that opinion.

As to the said John Frosts bringing on a Review, or an action de novo, that so the said William Leighton may withdraw his former plea and plead the General Issue &c. By the Constitution of the Courts of Justice in this Province, the Action must begin first at an Inferior Court, and so come to this Court by appeal, and the Justices of this Court, when such appeal comes regularly before them will unquestionably endeavor that Justice be done between the sd Leighton and Frost.

And as to putting the Royal Order before mentioned upon the Records of this Court,

It appears by the Clerks minutes, That the Justices of this Court receiving the first order, gave express direction for Recording the same, and were surprised to find it was omitted, and they have now commanded that both the Royal Orders be forthwith Recorded, and we shall take effectual care that the same be accordingly done.

In the name and by order of Court,

Samuel Tyley, Cler."

It may be inferred from the last point made by Emery and also from the statement in the report of the committee of the Privy Council, that there commendations which they made were by the consent of all parties, that Frost's representative before the Privy Council had made some agreement that he, Frost, would abide by the result. If any such agreement existed it did not trouble the court. No reference is made in the decision to that point in Emery's argument.

No further attempts were made by Bollan to enforce the royal order through the agency of the Superior Court of Judicature. He had, however, notified the governor that he should move the Inferior Court of Common Pleas at the York term in July for permission to

plead anew in the case. The royal order required that court to enter the order upon their records and to allow the case to be opened again, and it was important for Bollan if he wished to follow the matter beyond this point that he should carry the matter before the Inferior Court. The original royal order had been filed with the clerk of the Superior Court. On the same day on which the decision of that court was rendered Bollan asked for the privilege of removing the order from the files of the court in order that he might exhibit it at the next sitting of the Inferior Court for the county of York. This was granted him on his promise that he would return the same to the clerk so that it might be recorded as the court had directed. At the July term of the Inferior Court the royal order was read and the clerk was instructed to record it. There the case practically ended. As it had been taken from the Inferior Court by appeal and had not been restored to their docket by the Superior Court, there was no way in which that court could have complied with a motion to reopen it, and it does not appear by the record that any such motion was made.

Once again mention is made of the case in the records of the Superior Court. On the 19th of October, 1743, the justices of that court received a letter from Governor Shirley, accompanied by copies of the two royal orders. In this letter the governor complained that to that day the orders had not been carried into execution. The court thereupon gave orders to the clerk to prepare a draught of a summons or other process to notify the said John Frost, the party concerned, to show cause why the order of the King in Council so far as concerned him had not been complied with, etc., and to lay the said draught before the justices of the said court that so they might do what was proper thereupon.

The clerk of the court had, in his endorsement upon the royal order, concentrated upon the head of Governor Belcher all of the contumely directed against the court, the governor and the council, and now the justices of the court, when called upon to carry out the order, contented themselves with ordering a summons to Frost to be draughted, so that he might show why he had not obeyed the order. It is doubtful if even this perfunctory recognition of the governor's complaint was ever actually performed.

ANDREW MCFARLAND DAVIS.

## OFFICE-SEEKING DURING THE ADMINISTRATION OF JOHN ADAMS.

DURING the four years of John Adams's administration there were fewer applications for office than there had been during any corresponding period of Washington's term. This was not due alone to the fact that there were fewer vacancies to fill, for there were few during the latter half of Washington's administration, but was owing to several causes. One was that Adams had not a large personal following. He was open-hearted and had harmless weaknesses, such as at other times and in other men have rather increased than lessened the popularity of their possessor, but there was also an aloofness and coldness of character about him, coupled with a confidence in himself and an assertive mastery which failed to conciliate. He was, too, emphatically a New England man and, while he had served the whole country long and with conspicuous ability, his personal acquaintance outside of New England was not extensive. Washington, on the other hand, had, in the course of his public career, lived in the North and East, as well as in the South. He knew many men and his circle of personal friends was large. He was in every sense a national character when he became President. His personal qualities commanded the respect of all and the devotion and veneration of many. Moreover, he had been at the head of a victorious army, and all the ardent affection which a soldier feels for his successful commander the men of the Revolution felt towards him. Therefore it was that after the war people who wanted offices appealed to him with a feeling that they had a filial right to do so, and in most cases they accepted in a filial spirit the refusal he gave them. There was no such feeling towards Adams. However much he was respected he was not generally liked, and eminent as his career had been it had contained no instances which fired the popular heart. People came to him for favors unwillingly and not in large number, and the applications for office breathe little of the spirit of personal attachment to him. When they were unsuccessful they often left behind them animosity and bitterness. It must be remembered that office-seeking had not, at that time, been reduced to a science, proceeding upon fixed rules, and the estimation in which the President personally was held played

an important part in regulating the number and tone of the applications for office.<sup>1</sup>

Another reason why the applications were not numerous was that Adams gave a considerable latitude of independent action to the heads of the departments, and many of the appointments were prompted by them. The applications were, therefore, scattered among several officials, whose powers were uncertain, and they were fewer than they would have been with but one known active appointing power.

At the same time there was greater display of party feeling in the office-seeking while Adams was President than there had been before. The hostile political organizations had formed when Washington was in power, but they had been held in check by his influence, which dominated one party and had a restraining effect upon the other. But John Adams was a strong party man himself, and the hostile measures which the Federalists took against the Republicans met with his approval. Even had he counselled moderation the people would not have listened to him. It was evident that they had grown impatient of submitting to the dominating influence of one man. They were tired of hero-worship and were resolved to have, for a time at least, no successor to Washington; and if Adams had had every attribute of a popular hero he would still not have been recognized as one. The war between the parties which had been waged with some violence when Washington stood between the combatants now became general and fierce. By means of pamphlets, by letters, by songs at the theatres and in the streets, by the passing of resolutions, by speeches everywhere, either party sought to bring confusion upon the other. It is doubtful if party heat was ever greater in this country before or after the Civil War. To make the bitterness uncompromisingly intense there entered a question of our relations with a foreign power which was thought to involve the national honor. War with France seemed to one side to be almost inevitable if we were to preserve even a semblance of our self-respect, yet there was a French party in the country which deprecated any hostile measures against our former allies and which sympathized with them passionately in their Revolution. It is not strange, therefore, that whereas during Washington's administration the political opinions of applicants for office seldom appear and

<sup>1</sup> This is shown by the applications during Jefferson's presidency. The idol of a party and a man of great personal popularity, he had, during his first term, more than twice as many applications for office as Adams had. If the statistics of modern office-seeking were available they would show that a President without a personal following is almost, if not quite, as much the victim of systematized office-seeking as a "magnetic" President is.

were seldom considered in making appointments to any but the very highest offices (except in Rhode Island, where opponents of the adoption of the Constitution were not appointed), the case was different during the Presidency of Adams. The intolerant political temper which prevailed is reflected in the applications for office and illustrated by them. In many instances, probably a majority, the political opinions of the candidates for domestic civil offices were brought out. In the appointments abroad and in the military appointments politics did not figure. Regarding the latter Adams wrote to the Secretary of War, McHenry, as follows :

"Merit I consider, however, as the only scale of graduation in the army. Service and rank in the last war, or in any other war, are only to be taken into consideration as presumptive evidence of merit and may at any time be set aside by contrary proof. Service and rank in civil life and in time of peace, I think, ought not to be forgotten or neglected, for they are often of more utility and consequence to the public than military services."<sup>1</sup>

Nor were all the applicants for domestic civil office Federalists. Frederick Augustus Muhlenberg, who had been Speaker of the House of Representatives, became a candidate shortly after he left Congress.

SPRING GARDENS, NEAR PHILADELPHIA<sup>2</sup>

Sept. 8th, 1797.

Sir

The office of Treasurer of the Mint having become vacant by the Death of Dr. Way permit me most respectfully to offer myself a Candidate for the same. A series of misfortunes to a Son in Law of mine occasioned by french Captures have also affected me very materially, and being at present out of public Employment, I have both Leisure and Inclination to attend to the Duties of this or any other Office You may think proper to honor me with, whilst at the same time it would afford me some aid in a situation I have never been accustomed to. Submitting my Application to your Decision, permit me to add, that if appointed I shall execute the Duties enjoined with Diligence and fidelity, if not, it will never lessen that cordial Attachment and high respect with which I have the Honor to be

Sir,

Your most obedient

humble Servant

FREDK. AUG. MUHLENBERG.

*The President of the U. States.*<sup>2</sup>

<sup>1</sup> Works of John Adams, VIII. 640.

<sup>2</sup> The letter is from the MS. archives of the Department of State. All of the other papers quoted in this article, unless otherwise specified, are from the same source.

He next applied for appointment as collector at Philadelphia.

PHILAD<sup>A</sup> June 5<sup>th</sup> 1798.

*Sir,*

Having understood, but last Evening, and not before, that the Office of Collector of the port of Philadelphia had become vacant by the Resignation of M<sup>r</sup> Dulany, permit me to take the Liberty in the most respectful Manner to offer myself a Candidate for the same, or, if a promotion of either the naval officer or Surveyor should take place, for either of the offices, which may become vacant in consequence thereof. To you, Sir, I flatter myself my Conduct and Character is well known, and I trust, altho' I am not at present in any public Employment, that bred and born in the County of Philadelphia, and living amongst them I still have the Goodwill and Confidence of my fellow Citizens, and if necessary can obtain as respectable signatures to certificates of Recommendation as any other Candidate that may offer. . . .

If in the course of our political Disputes, whilst I had the Honor of a Seat of Congress I have erred, I can only say, that influenced by neither party I acted according to the best of my Judgement, and according to what in my Opinion was most for the real Benefit of our beloved Country, to whose Constitution and Government no one in the U. States can be more warmly attached than myself, and which I shall ever firmly support against both foreign and domestic foes, whilst I have Breath. . . .

. . . I have the honor to be

Sir,

Your most obedient

humble Servant

FREDK. A. MUHLENBERG.

*The President of the U. States.*

A disappointed office-seeker can always find some deeper motive than a mere preference for another in his rejection, and Muhlenberg conceived that he had been passed by because of Hamilton's animosity towards him. Shortly before Jefferson's inauguration he wrote to him and disclosed this opinion.

LANCASTER, Feby. 11th, 1801.

*Sir,*

It being the prevailing Opinion, whether well or ill founded, I do not presume to judge, that a Change will be made in the Revenue officers of this State, acting for the United States, permit me in the most respectful Manner to offer myself as a Candidate for the Office of Collector at the Port of Philadelphia. Tho' I humbly hoped I had some small claim on the Public . . . I was again obliged to seek for public



Employment, and accordingly made Application for the Office of Treasurer of the Mint, but met with no success. Some time afterwards, when the Office of Collector became vacant by the Resignation of M<sup>r</sup> Delany, I was advised by my friends to apply for it, and from their Information as well as some Hints given to me, I had reason [to] expect Success. But whatever good Wishes may have been entertained for me, M<sup>r</sup> Wolcott's Influence prevailed. This Gentleman I had offended by taking the active part I had in discovering his friend Hamilton's Affair of Gallantry, and thus I had once more to lament my fate and sing with Ovid: *Cur aliquid vidi, &c.* . . . . .

I have the Honor to be

Sir

Your most obedient

humble servant

FREDK. A. MUHLENBERG.

Tho<sup>r</sup>. Jefferson, Esq<sup>r</sup>.

Presd<sup>r</sup>. elect.

Most of the civil appointments made by Adams were to collectorships and other customs offices, and the applications were often addressed to Oliver Wolcott, the Secretary of the Treasury. The custom-house at New York engaged the President's attention soon after his inauguration. The collector, General John Lamb, a distinguished soldier in the Revolution and an ardent Republican and follower of the Livingstons and Clintons, was old and in ill health, and a very serious defalcation, arising from the rascality of a trusted under-official, had been discovered.<sup>1</sup> Alexander Hamilton was communicated with relative to a successor to Lamb. The reply, in his handwriting, but unsigned, was doubtless addressed to Wolcott.

ALBANY, April 22, 1797.

Dear Sir

My absence from New York to attend the Court here has put it out of my power to answer sooner your Letter of the 13th instant.

The characters which occur to me as proper to be considered for Collector are these—

*Benjamin Walker*—This Gentleman you know as well as I do. He is every way qualified and fit, and had he remained in the place of naval officer he might, qualified as he is, have looked to that of Collector almost as a matter of course—but the having quit the former terminates the pretension on that score. He stands a candidate at large. As such however, he equals any in the requisites for the Office and has the peculiar advantage of Experience in relation to it. But you ought to be apprised that from his engagements in certain agencies from abroad &c,

<sup>1</sup> See Leake's *Life of John Lamb*, p. 353 *et seq.*

he has for a long time executed the naval office chiefly by deputy—and if he should be concluded upon for the other it ought to be well understood that his *intire personal attention* is expected and the *relinquishment* of his agencies, for I suspect they *will not* harmonize.

*Matthew Clarkson*<sup>1</sup>. This is among the worthiest and best esteemed of our citizens. Till his appointment to the Office he now holds he has had little familiarity with accounts, but I should believe his attention and care, *upon principle*, would ensure a good execution of the office and his personal qualities would render his appointment peculiarly acceptable. I believe however, he is connected in Trade—and I do not know that he would relinquish it for the Office.

Nicholas Fish<sup>2</sup>. I have a perfectly good opinion of this Gentleman—who is also very generally esteemed and according to my ideas of him, he would execute the office as well as any man and there is no circumstances in his situation against it. I presume he would prefer it to that which he now holds.

You however who have had the conduct of both these Gentlemen in their present Offices, more immediately under your eye in different capacities, can from thence judge what that conduct promises in the other offices. There is *I know* always inconvenience in the change of a man who is in the train of a particular office. But there is also the motive (of no small consequence) of encouraging men to accept offices of less eligibility by the expectation of better when then occur.

*Aquila Giles*<sup>3</sup>. There are few whom I should have preferred before this gentleman, had I not been lately told that there have been some delays in bringing forward monies which came into his hands as Marshall. You probably have more light on this subject than me and can appreciate the force of the objection. He is however less a man of business than some others.

*Gulean ver Plank* (now President of the Bank of New York) He is a man of superior mental endowments to any of [those] who have been named and of superior acquirements. His moral character is of the most estimable sort. His habits have not led to a familiarity with accounts—and he is supposed not much addicted to labour. But I think he would *upon principle* apply himself closely to a good execution of whatever he should undertake. He is a man of moderate fortune and has no particular pursuit—so that I think he might be willing to accept though I am not certain.

*Jonathan Burrall* (now Cashier of the office of Discount) According to my opinion *no man* would be *better qualified* or more *faithful*. He is respectably connected in our State by marriage—and well esteemed though not of *important* standing in our community. He would however be an acceptable appointment.

<sup>1</sup> He was Commissioner of Loans for New York at the time.

<sup>2</sup> Supervisor of the District of New York.

<sup>3</sup> Marshal for the District of New York.

*James Watson*—would no doubt be *well qualified* and there is every ground of confidence in his fidelity. He affords the public the security of a good fortune. It must however not be omitted that by *Something* in his character, too much fondness for office, by some marks of indecision and temporizing in lesser matters, he is far less well esteemed in our community than the other characters who have been named.

For *qualifications* relative to the Office I should prefer—*Walker Fish Burrall* and *Watson*.

None of the men mentioned by Hamilton were selected, but Joshua Sands, in whose favor no papers are now on file, was nominated and confirmed as collector May 19, 1797, Lamb being dismissed.<sup>1</sup> The competition to secure such appointments was keen, and in the case of the collectorship at Norfolk began before the incumbent was dead.

Norfolk was at that time a city of rising importance. In 1806 Jefferson expressed the opinion that it would eventually be a greater sea-port than New York and only second, perhaps, to New Orleans.<sup>2</sup> The collector of customs, when Adams became President, was Colonel William Lindsay, an old officer of the Revolution and a friend of Washington's. Associated with him as surveyor of customs was Daniel Bedinger, also an officer of the Revolution, who had served in the custom-house before the Constitution was formed, and when Josiah Parker, afterwards a member of Congress, was the collector. A young relative of Lindsay's, Francis S. Taylor, was also employed in the office, and during the protracted illness which preceded Lindsay's death Taylor acted as deputy collector. He was intimate with Lindsay's family and was engaged to be married to his daughter. He was poor, Lindsay's recovery was impossible, and his family, after his death, would be ill provided for. It was highly desirable, therefore, that they should not lose the salary of the office. The merchants of Norfolk, for reasons disinterested or otherwise, were favorably disposed to Taylor, so an ingenious scheme was set on foot for his succession to the collectorship, Lindsay apparently having full knowledge of and approving it. It took the shape of an application for the office for Taylor five months before Lindsay died. James Hunter, of Norfolk, unfolded the plan in a letter which is unaddressed, but which was probably sent to one of the Virginia senators or representatives, by whom it was laid before the President or Secretary of the Treasury.

<sup>1</sup> *Executive Journal of the Senate*, I. 240.

<sup>2</sup> *Travels in the United States*, by John Melish, I. 201, 202.

NORFOLK, VIRGINIA 20<sup>th</sup> April 1797.

Sir

Col. Wm. Lindsay the Collector of this port has for a long time been in a declining state of health, he is now reduced so low that I think He cannot live many days,—this Gentleman upon enquiry you will find was a distinguish'd active officer during the American Revolution he is a Man of the Strictest honor, and unblemish'd reputation a firm and try'd friend to his Country. as a reward for his success and merit the late President (who knew him well) gave him the appointment already mentioned at the commencement of the present Government. his conduct in office the records of the Treasury department will evince. M<sup>r</sup> Lindsay has a large Family—an amiable Lady and Six children. the emoluments of office ceases with the incumbent. Now Sir with the foregoing introduction I must beg leave to inform you that a relation of M<sup>r</sup> Lindays a M<sup>r</sup> Francis Taylor a Young Gentleman of talents and Integrity has for several years as Deputy Collector conducted the business of the office under M<sup>r</sup> Lindsay with the utmost propriety, that an alliance will shortly take place between him and a Daughter of the Collector—that by his succeeding Coll. Lindsay in office the means of comfort and happiness would be afforded the Family—and I have further to add that M<sup>r</sup> Taylor is in possession of the best wishes and fullest Confidence of his fellow Citizens

For these reasons Sir I most earnestly solicit your interest in your official capacity for M<sup>r</sup> Taylor. his character will stand the strictest scrutiny—and his appointment under the circumstances I have already mentioned will be an additional reward to the virtues and merits of his Predecessor.

I shall be extremely gratified by a few lines from you when convenient and remain Sir

with esteem

Yr ob servt

JAMES HUNTER

This was followed in two days by a letter from the merchants at Norfolk.

NORFOLK April 22<sup>nd</sup> 1797.

It is with extreme regret we mention that an Indisposition which has long afflicted the Collector of this port, must very speedily terminate his Existence, an event much to be lamented, not only because it will deprive Government of a good Citizen and valuable officer but because Society in losing Him will lose a worthy and respectable Member.

While we anticipate the fate of Major Lindsay with the most afflicting sensibility, We cannot in justice to M<sup>r</sup> Francis S Taylor (who has for five years past officiated as his Deputy) omit recommending Him as a Character, whose experience, talents, Integrity and zeal for the Government, render Him highly qualified to succeed to the important station of Collector of the Port of Norfolk and Portsmouth.

A long acquaintance with this Gentleman in private Life, and in the exercise of the official duties, which for some time past have wholly devolved on Him, authorize us confidently to state the most unequivocal assurances in his behalf as a person highly meriting public confidence and private esteem. To you we have thought it proper to communicate these sentiments, as an Officer of the Government and request you will make a representation of M<sup>r</sup> Taylor to the president of the U States

We should feel happy in his success and are persuaded the Government will find in Him an attentive respectable and valuable Officer.

We are with the highest respect

Your most obt

ROBERT TAYLOR, JNO. LAWRENCE,  
GILBERT ROBERTSON, and 32 other  
individuals and firms.

The movement in Taylor's interest having reached the ears of Bedinger, the surveyor, he wrote to Parker, a member of Congress and a Republican, who sent the letter to Wolcott.

NORFOLK, April 25, 1797.

*Dear Sir*

I had not been at home more than an hour before I was informed that the Paper (mentioned to you by Mr. Cowper) recommending Mr. Francis S. Taylor as a proper person to fill the Office of Collector for this port, had been handed about in the most private manner possible. That it was offered to none but those who were supposed to belong to a particular party. And that the Secret came out by their mistaking Mr. Granberry to be of that party, who you know is (notwithstanding his mercantile pursuits and foreign connections) an honest, independent, native American, influenced by no party whatever. When it was offered to him, I am told he flatly refused to sign it, because he could not in his conscience promote a scheme which neither justice, nor a regard to common decency could possibly sanction. And because, also, he could not surmount the repugnance he felt at the idea of signing a paper upon which the names of Gilbert Robertson and other foreigners appeared most conspicuous. To say nothing of the indelicacy of this attempt whilst Major Lindsay is still living (and alive like to be, at least for some time to come) it seems a little extraordinary that a set of men, the majority of whom are strangers, or characters who were never friendly to our revolution, should endeavor to foist over the heads of *others*, a young man, *unborn*, or at best but in his cradle at the commencement of our revolution, and who, one would suppose (from the Secret, not to say clandestine, manner in which his cause has been espoused) is now supported for particular reasons and to answer particular purposes.

You know M<sup>r</sup> Taylor personally but perhaps are not acquainted with

particulars. He is about 22 years of age. Was brought to Norfolk by his uncle Richard Taylor late Captain of the revenue cutter, in the year '91. For several years after he acted as an under clerk in the Custom house, until M<sup>r</sup> Coleman Deputy Collector quitted that office, when M<sup>r</sup> Taylor was appointed in his stead.

But it has been said that M<sup>r</sup> Taylor is betrothed in marriage to the daughter of the present Collector, who being perhaps sensible of his approaching dissolution, has been prevailed upon to resign his office in favour of his *intended* son in law. I have also reason to think that the recommendatory paper mentioned in the early part of this letter, was forwarded to the President in order to secure his appointment. Whether this be so or not I cannot say ; but it seems to me that a *death-bed* resignation looks too much like a *bequest*—that this kind of *succession in office* has too greatly the appearance of the *inheritance of office*, ever to be countenanced by the President of the United States, should he be truly informed of all the circumstances attending this Case.

As you are acquainted with my intention of becoming a candidate for the Office of Collector of this District, when it shall be vacant and when I can come forward with propriety, I hope you will excuse my prolixity on the subject. I flatter myself too that you will be pleased to communicate to the proper department such information as you may think proper, in order to prevent the precipitate appointment of any man to the office in question, on the mere suggestion, or recommendation of men who I am well assured are (at least a majority of them) what I have described them to be.

M<sup>rs</sup> B. and her sisters join me in Comp<sup>ts</sup> to M<sup>rs</sup> Parker, Miss Nancy and yourself. No late arrivals ; nor anything new either from Europe or the West Indies.

I am, with the greatest respect

D<sup>r</sup> Sir

Your most obedient Servant

DANIEL BEDINGER.

*The Hon<sup>ble</sup> Josiah Parker Esq<sup>re</sup>*

Parker supplemented this letter with the following to Wolcott :

MACCLESFIELD April 26<sup>th</sup> 1797.

*Sir*

I had the honor to write you from Smithfield since which I have rec<sup>d</sup> a letter from M<sup>r</sup> Bedinger the Surveyor at Norfolk in respect to a vacancy said to have taken place at Norfolk for a Collector. . . .

I had the management of the Customs at Norfolk for this State. for a long while M<sup>r</sup> Bedinger was my deputy. I found him a man of Talent and integrity. Upon my being elected to Congress I resign'd the office. M<sup>r</sup> Lindsay and M<sup>r</sup> Bedinger were competitors for it. the Council wa.



divided. A compromise took place. Lindsay was to be appointed and Bedinger to aid in the business and share in the emoluments.

When the new System was adopted M<sup>r</sup> Lindsay was appointed Collector, Mr. Gatewood Naval Officer and Mr. Bedinger Surveyor. the latter was made Surveyor because it was supposed by the President that the office would be more lucrative than that of the Naval Officer.

As to M<sup>r</sup> Taylor I see no pretensions he can have to expect the Office. Was he to be preferred to Surveyors in the same district of better talents and more respectability it would doubtless be complained of and I have other reasons which I shall give why M<sup>r</sup> Taylor should not receive the appointment when I have the pleasure to see you which will be I hope by the 15<sup>th</sup> next Month.

With much respect

J: PARKER.

The next month two new candidates appeared in the field (Lindsay being still alive), in Miles King and Otway Byrd. With reference to the latter General William Heth, who had apparently been approached by Wolcott on the subject, wrote :

Private

CITY POINT, 23<sup>th</sup> May 1797.

Dear Sir

Thank you for your private letter of the 8th Ins<sup>d</sup> and the Confidence reposed in me.—Respecting a Collector for Norfolk when a vacancy shall happen, a very proper character may be had, in Col<sup>o</sup> Otway Byrd, who has informed Col<sup>o</sup> Carrington of his intentions to become a candidate.—Carrington and myself, have had much conversation on this Subject. He appears as desirous as I am to see that office, *for once*, properly filled, and being well acquainted with Colo. Byrds character, qualifications, and abilities, he is well Satisfied that he *ought*, under every consideration to be appointed in preference to any one we have thought of: and indeed he was pleased to say, that if I did not wish to go to Norfolk, he did not know a more fit character in every respect, than Col<sup>o</sup> Byrd.

I have just understood that the Merchants of Norfolk have, or that they intend to present a joint recommendation in favor of M<sup>r</sup> Taylor, the Young Man who long acted as Deputy to Lindsay—and who actually does the business at this time<sup>1</sup> — (tho' Reuben Long, *signs* as Deputy), but does not appear officially, in consequence of his being concerned in trade, or merchandize of some kind. I am inclined to give credit to this report, because I *know* that Carrington was applyd to some weeks ago, to recommend M<sup>r</sup> Taylor, when, among other reasons to induce him to

<sup>1</sup> I should not consider it as a *very great* compliment to be highly recommended as a Collector by the Merchants, owners and Masters of vessels of Norfolk—or indeed any other District. (Note in the original MS.)

do so, he was told that, 'such an appointment would benefit Lindsay's family, as Mr. Taylor was to marry his daughter'.—But, application was made to the wrong man. Carrington declared with candor, that he would do no such thing, nor would he *ever* recommend any *young man* to fill such an office; besides, he knew nothing of Mr. Taylor's qualifications—nor could I say anything thereon when applyd to, having no personal knowledge of him.—But, in the course of business, I have seen many marks of very loose conduct in him, as Deputy Collector, and have had abundant reason to believe that he does not possess a common knowledge of the Laws.—And this, must ever be the case, when the whole duties of such an office, are committed to a deputy, and when that Deputy, has his private business to attend to.—Never, since my knowledge of Norfolk, has the business of the Naval Office been conducted by the Principal. This will in some measure account for the very lax conduct which hath obtained there. During Parkers *reign*, the most shameful abuses were practised. The wine, cheese, Porter, &c. which he rec<sup>d</sup> as presents, supplyd his table in the most ample manner.—at least, so says fame, to this day. And that he lost upwards of £20,000 to the State, by taking the bonds of *improper persons*, there is no sort of doubt. Indeed, Colo Jarvis the late Atty. General, said in my presence not many months ago, that he believed the sum so lost to Virg<sup>a</sup> amounted to near £30,000. And this, is the Man, who had the effrontery to stand up in Congress and say, that *his* confidence in the President (George Washington too) had diminished.

But what is not *such a man*, capable of saying, or doing?—I wish Peter Porcupine knew this man's History well.

I am Dear Sir,

With very sincere esteem and  
friendship

Yrs

W. HETH.

Lindsay died September 1st, and the contest for his place became more active than ever, a number of new candidates sending in their applications. General Edward Carrington wrote letters with reference to Taylor, Bedinger and Byrd. Of the first he said simply that he had heard him well spoken of, and that his endorsers were men of respectability. Of Bedinger he wrote:

RICHMOND Sep<sup>r</sup> 11, 1797.

Sir

I am requested by Mr. Daniel Bedinger, the present Surveyor and Port Inspector at Norfolk, to say to you that I know of his pretensions to the office of Collector there, which is now vacant. In my letter of 21<sup>st</sup> of Jan<sup>r</sup> last, on the contract business, I was full as to my opinion of this Gentleman. As a Port Inspector I will not hesitate in saying he is not sur-

passed in the United States ; and, from his real cleverness in business, and a knowledge that he acted as deputy to the Collector of that Port under the State Laws, from 1783 to the new order of things under the Federal Government, and from thence to this day, in his present employments, I am confident that his pretensions, on the score of experience must be of the first degree.—having known for many years, I am confident that in point of Capacity and integrity he is unexceptionable. While I say this much, candor calls me to mention, that he is understood to have been amongst the opposers of the administration in, at least some of, those subjects which have agitated the public mind ; and with those connected with the appointment it must rest how far that circumstance should have weight in the determination.

I am very respectfully

Mr. Bedinger was a  
faithful officer in the late  
war having entered into the ser-  
vice very young and continued  
to the end of the War

Sir

Your most ob st

ED CARRINGTON.

His letter about Byrd was more enthusiastic.

RICHMOND, Sep<sup>r</sup> 11, 1797.

Sir

Col<sup>o</sup> Heth sometime ago conversed with me at the instance of Col<sup>o</sup> Otway Byrd, on the pretensions of the latter to the Collectorship of Norfolk and Portsmouth, on an expected event of the death of M<sup>r</sup> Lindsay.

Col<sup>o</sup> Byrd has throughout his life been remarkable for a consistent, independent and honest deportment. When the militia army was about to take the field against the insurgents in 1794, He was appointed by the Executive of Virginia to the office of Quarter-Master for this States quota. . . . He discharged the duties of the station with full effect, and rendered his accounts with a promptitude and accuracy beyond my expectation, considering the raw and undisciplined state of the troops to whose accommodation he had to administer. . . .

Col<sup>o</sup> Byrd acted his part in  
the late Revolution, and is  
a firm supporter of the present  
gov<sup>t</sup> and administration.

I am very respectfully

sir

Your most ob. st.

ED. CARRINGTON.

*Oliver Wolcott Esq.*

November 24, 1797, Byrd was nominated and confirmed for the office.<sup>1</sup> The appointment apparently gave rise to adverse comment,

<sup>1</sup> *Executive Journal of the Senate*, I. 251.

and the fact that Bedinger had not been promoted was attributed to political motives. Nearly two years later Adams wrote to Wolcott :

QUINCY, 4 October, 1800.

*Dear Sir*,—Enclosed is a letter from Mr. Daniel Bedinger, with a certificate in his favor from Governor Wood. I suppose this letter comes too late ; but that, if it had arrived earlier, it would have made no alteration in your judgment or mine. Neither Mr. Parker nor any other person ever had authority from me to say, that any man's political creed would be an insuperable bar to promotion. No such rule has ever been adopted. Political principles and discretion will always be considered, with all other qualifications, and well weighed, in all appointments. But no such monopolizing, and contracted and illiberal system, as that alleged to have been expressed by Mr. Parker, was ever adopted by me.

Washington appointed a multitude of democrats and jacobins of the deepest dye. I have been more cautious in this respect, but there is danger of proscribing, under imputations of democracy, some of the ablest, most influential, and best characters in the Union.<sup>1</sup>

There cannot be any doubt that Adams endeavored to obtain worthy men for the appointments he made, but if he did not wholly proscribe members of the Republican party he at least showed such a preference for Federalists that few who were not members of that party received any favors at his hands.

We come now to the subject of removals from office. In the papers covering the eight years of Washington's presidency, there are no letters urging dismissals from office for political reasons. In the archives during Adams' term there are such letters, and a few removals were made of incumbents who had evinced an aggravated and offensive political opposition to the administration. Other causes, however, usually entered into the dismissal, and the action was not, save perhaps in one or two cases, wholly political. A fair illustration is found in the case of Joseph Whipple, collector at Portsmouth, New Hampshire, and William Gardner, the commissioner of loans for that state. Both had been appointed early in Washington's administration. A year after Adams became President, Jeremiah Smith, United States attorney for New Hampshire, wrote the following letter to Wolcott :

EXETER 14 June, 1798.

*My dear Sir*

As to Gardner and Whipple

They have been it is generally said faithful and punctual in the discharge of the duties of their offices. They have some property and I be-

<sup>1</sup> *Works*, IX. 87.

lieve are pretty free from debts and speculations. Their political conduct has been disrespectful to the Government and offensive to good men in the extreme. There is this difference between them Gardner is open and decided Whipple more cunning and cautious but they are both violent Jacobins and have spared no opportunity of exciting opposition to the Government and have used their official consequence and situation for that purpose. I have repeatedly heard that the loan officer would observe when applications are made to him for payment of interest, that he is ready to pay *now*, but it is altogether uncertain whether anything will be paid the next quarter if this or that governmental measure should take place.

The Collector makes similar observations to merchants who complain of bad Voyages or bad Times—telling them that all these things flow from the cursed British Treaty. In short they are both open bitter enemies of the Gov<sup>t</sup> and Partizans of France and Would give me a great deal of pleasure to see them *rewarded* with offices under the latter. They have merits and claims for such appointments. The deluded and deceived multitude at Portsmouth have deserted their leaders and have left these men nearly alone in the opposition. I am not disappointed at their perseverance. I never have yet known a real thorough Jacobin converted by light or knowledge. The defect lies in the heart. They hate the light because it reproves their deeds which are evil. I have no hesitation in saying that I think Justice to the public requires the removal of these men. They surely can not complain if that Government which is the object of their execration should weaken their means of injuring and abusing it.

I have the Honor to be  
with sincere esteem Sir  
Your most obed<sup>t</sup> servant  
JEREMIAH SMITH.

*The Secy of the Treasy.*

Another complaint against Whipple followed the next day from one who accused him vehemently of unjust exactions. After stating his grievance at length, this correspondent adds :

How it happens that a Man of his *Character*, especially of his *political Character* should remain so long in the most lucrative office in the State, is I believe a wonder to *every* Merchant here, for I suppose every one esteems him one of the most inveterate Jacobins in the United States, and I can safely challenge him to produce an instance for several years past, of his ever expressing a *single sentence* in favor of our Government, or the *Measures of the Executive in particular*; but directly the reverse, and believe the universal opinion from his conduct is, that he is most decidedly opposed to the *Administration*, if not to the *Government* it self.

I need not remark that such conduct, in the first officers of Govern-

ment in the State, have astonishing influence on the People, as they are supposed to know fully the views of Government.

As my intention is an application to you for redress, must intreat Your interference, that Justice may be done.

Pleas to pardon the length of this letter, espetically at this critical moment, I should not trespass so much on Your time, but I could no longer bare the oppression, of the Collector—and this being the first complaint of the kind I ever made I hope to have no occation for another.—

I am unknown Personally to You, or the heads of the Departments, except a very small acquaintance with the Hon<sup>l</sup> Secretary Pickering, who perhaps may give You some small information, respecting my character, if you will be so obliging as to inquire of him.

I am Sir with all due Respect

Your Most Obed<sup>t</sup>

Hum<sup>l</sup> Serv<sup>t</sup>

ELIPH<sup>l</sup> LADD.

On June 30th, John Pierce was nominated to be Commissioner of Loans in place of Gardner, and Thomas Martin to be collector at Portsmouth in Whipple's place.<sup>1</sup> It was concerning these removals that Adams wrote his friend Benjamin Lincoln, March 10th, 1806:

When I came into office it was my determination to make as few ermovals as possible—not one from party considerations. This resolution I have universally observed. Conviction of infidelity to a trust cannot be resisted, and gross misconduct in office ought not to be overlooked. The representations to me of the daily language of several officers at Portsmouth, were so evincive of aversion, if not hostility, to the national constitution and government, that I could not avoid making some changes. Mr. Whipple is represented as very artful in imputing individual misfortunes to measures of administration, and his whole influence to have been employed against the government, and Mr. Whipple must take a more decided part before he can get over the prejudices against him . . . . If the officers of government will not support it, who will? I have no ill will to Mr. Whipple, and no prejudice against him, but I still think his removal was right.<sup>2</sup>

Jefferson restored both Gardner and Whipple to the service, removing those whom Adams had appointed in their stead.

But the most important removal from office for political reasons by Adams was that of Tench Coxe, the Commissioner of Revenue. The story must be told at some length, and in order to understand it, it will be necessary to quote several of the applications for office made during Jefferson's presidency.

On July 10, 1798, Matthew Lyon, at that time a member of

<sup>1</sup> *Executive Journal of the Senate*, 1. 283.

<sup>2</sup> *Works*, IX. 46, 47.



Congress from Vermont, sent to Wolcott a list of seven persons whom he recommended for office as commissioners to carry into effect the act levying a direct tax upon the valuation of lands, etc. He spoke of them as men of "Respectability, Responsibility and Knowledge of the relative value of property," and added that he was impelled by a sense of duty in writing the letter. Of the six commissioners appointed, but one, Jonathan Spofford, was included in Lyon's list. Lyon was a violent Republican, and his attacks against the administration culminated in his trial and conviction with fine and imprisonment, in October, 1798, for violating the Sedition Law. Among his seditious utterances were these:

"As to the executive, when I shall see the efforts of that power bent on the promotion of the comfort, the happiness and accommodation of the people, that executive shall have my zealous and uniform support ; but . . . when I shall behold men of real merit daily turned out of office, for no other cause but independency of sentiment, when I shall see men of firmness, merit, years, abilities, and experience, discarded in their applications for office, for fear they possess that independence, and men of meanness preferred for the ease with which they take up and advocate opinions, the consequence of which they know but little of . . . I shall not be their humble advocate."<sup>1</sup>

While Lyon was still undergoing his imprisonment he was re-elected a member of the House of Representatives, and when he appeared after his release and proposed to take his seat his expulsion was moved. Albert Gallatin, in speaking in his behalf, said the statement that men of firmness had been discarded in their applications for office was a matter of fact, and that such men had been turned out of office. "I do believe," said he, "that the first assertion is true, and what is here written is no more than an illustration of what has been declared on this floor, that men of certain political opinions, however capable, experienced, firm and virtuous they might be, were unfit to hold the offices." This, Gallatin said, was the only fact which could be brought under the law, and he thought it a fact capable of being proved to be true. He adduced, as evidence of the fact, the cases of the late Commissioner of Revenue for the United States, and of the Commissioner of Loans for the state of New Hampshire, who, he said, it was evident were turned out of office on account of their political opinions.<sup>2</sup>

The Commissioner of Loans referred to was Gardner, whose case we have already touched upon. The Commissioner of Revenue was

<sup>1</sup>Wharton's *State Trials of the United States, during the Administrations of Washington and Adams*, p. 333.

<sup>2</sup>*Annals of Congress*, 5th Cong., III. 2971.

Tench Coxe, of Pennsylvania, who was dismissed in the latter part of December, 1797. While in office he had carried tales to Duane, the editor of the *Aurora*, the most scurrilous of all the Republican papers, and had given other aid to the opposition, as his letters to Jefferson, when he applied for reinstatement to office, clearly indicate. Wolcott informed him that his dismissal was due to "deliberate misconduct in office."<sup>1</sup> It was received with gratification by the Federalists. George Cabot wrote Wolcott, congratulating him on having "finally expelled a traitor from the Treasury who never deserved to be trusted," and added: "The toleration of such a fellow in office after his duplicity was known indicates truly a weakness in the government and I have never yet believed that this kind of policy was wise."<sup>2</sup> William Smith, of South Carolina, the minister to Portugal, wrote: "I am very happy to hear you have got rid of Tench Coxe. I suppose he will follow the steps of Randolph, Monroe, etc., and write his vindication without more ado."<sup>3</sup> A vindication he did not write, but from revenge he circulated a copy of a letter written to him in confidence by Adams in 1792, which contained reflections against the supposed British proclivities of the Pinckneys.

Coxe's career had been erratic and uncertain from the beginning. During the Revolution he left the Pennsylvania militia, of which he was a member, to join the British forces, but he came back again later to the patriot side. After the war he was at first a Federalist and applied for an office, his letter breathing a fervid admiration for Washington. He was appointed Commissioner of the Revenue in 1792. He was a man of talent and of pretensions to knowledge of political economy and he published several papers, some over his own name and some anonymously, on the subject of American trade. It was in connection with one of the latter that John Quincy Adams many years later described him as a man of "wily, winding, subtle and insidious character."<sup>4</sup> His letters to Jefferson asking reinstatement in the service show the reasons for his dismissal as he conceived them. They were entirely partisan, he thought, and had originated in Hamilton's hatred for Jefferson, and they gave him a claim to reappointment. Jefferson and Gallatin, his Secretary of the Treasury, and Republicans generally in Philadelphia, agreed with him.<sup>5</sup> Under date of March 10, 1801, imme-

<sup>1</sup> Gibbs, *Administrations of Washington and Adams*, II. 6.

<sup>2</sup> *Id.*, II. 9.

<sup>3</sup> *Id.*, II. 55.

<sup>4</sup> *Memoirs*, IV. 370.

<sup>5</sup> . . . "But Captain Lewis says that the Republicans in Philadelphia seem generally agreed that, in case of removal of either of the two custom-house officers, he,

diately after Jefferson's inauguration, Coxe sent in his application. "I will not suppress," he said, "the expression of a consciousness that I have undergone the most injurious and severe trials in the public service as a citizen lately, and before as an officer." A little later he set forth his "claims" at length. The letter is undated, but it is endorsed in Jefferson's hand, "rec'd. Apr. 18, 1801."

(Private)

Sir

The gentleman who received my office on my unjust extrusion has retained it, and will probably continue in it longer than the present Collectorship of the Revenue will last . . . My situation, be assured, Sir, has been thought extremely delicate in respect to that office and it has occasioned much remark by friends, and foes and dispassionate and candid men concerned only for a rational execution of Government. . . . The world see me yet unprovided for—*yet unrestored—my old office held by him that extruded me*—the best Branch of it given to another (Genl M) and I a non-commissioned officer of the system. I submit to you, Sir, whether the most negative character, extruded as I was, would not be lowered by these circumstances in the public eye. I submit, Sir, whether I have merited it—whether there is any man who has labored more, or with more effect, or with more injury to himself to prevent a counter-revolutionary operation from 1792 to 1801 than I.

In this state of things and under such circumstances it is supposed you are about to make one or more changes in the customs. I have recd nothing yet from your justice or your friendship, and am a Merchant, who have joined practice in navigation, importation and exportation to practice in superintending our commerce for two years in the Treasury, and to reading, and study in the foreign and domestic theory and legislation of it. With what success, I submit. In all commercial countries such men are employed by good and wise rulers. On these grounds I beg you, Sir, to consider my pretensions to the *one* place in the customs w<sup>ch</sup> you may vacate, if only one, and to the second, if two. I beg you to consider whether Genl M. having recd one office from you and I assurances after his appointment to that, whether, I say, I am not entitled to any vacancy which I can fill as well as he, if there be one only vacated. If there be two, I still express my *cheerful* disposition to take the least profitable one.

I expect, *in confidence*, that he cannot remain in it. I am satisfied the event I mentioned will take place in Penns<sup>a</sup> unless he does what

Mr. Coxe, is entitled to the preference. . . . I feel no hesitation in saying that, on the grounds of public service and capacity, as well as on account of his having been formerly removed, Mr. Coxe's pretensions to the most lucrative of those offices which may be vacated appear well grounded." Gallatin to Jefferson, June 21, 1803. Adams, *Works of Albert Gallatin*, I. 123, 124.

many republicans think no man has a right to do. At all events however the question of giving one gentleman *two capital* appointments to the delay of claims such as you have been pleased to say mine are, is respectfully submitted. Permit me to express to you my sincere belief and apprehensions that your giving him a *second* and *commercial* appointment to my exclusion, after so long delay will do all in your power to consummate my depression and disgrace. The trivial appointment of a comm. of Bankruptcy, which Judge P. will have the power to render fruitless by running upon the three he likes, to the exclusion of the other two, will neither maintain my large family, repair my substantial losses nor restore me to public honor and confidence. The office cannot produce 1200 Dollars *p* annum, and is a very uncomfortable and inconvenient one.

I perceive that I shall be unable to endure my situation without seeking relief, and that relief can only be in a seclusion from my political connexions and relations in the Bosom of my family. The world will see that if an office in the customs does not afford an opportunity to provide for me, nothing ever can—and they Will consider my disgrace as deliberate and complete. In this *trying* situation, it will be my endeavor, with the support of heaven, to maintain a temperate, virtuous and judicious conduct. May God grant that so bitter a cup as exile at the hands of my friends may pass from me. Yet such, Sir, appears to me to be the inevitable afflicting consequence of your exhibiting me on the rising of the legislature in the Situation I have mentioned. I entreat you to pardon this last effusion of a deeply wounded spirit. On serious reflexion I could not justify the omission of the final attempt to avoid the evils I deprecate.

I have the Honor to be, Sir,  
Y<sup>r</sup> mo. respectf. serv<sup>t</sup>  
TENCH COXE.

This was quickly followed by another letter without date, in the postscript of which he described the cause of his dismissal.

“Permit me to add to this letter, sir, already too long a few particulars which I am sure you would wish to know and remember. Soon after the removal of the government from New York to Philad. I expressed an opinion before a number of members of Congress at my own table, that the Sec<sup>y</sup> of State was the officer on whom the law should devolve the Governm<sup>t</sup> in the event of the death &c. of the President and V. Pres<sup>t</sup>. I found myself called on the next day by Mr. I.<sup>1</sup> of the Senate and an earnest expostulation took place. Mr. Hamilton considered it as a preference of a person whom he called his Enemy. The consequence was an irremovable unfriendliness and indeed hostility for the last ten years. I found a like displeasure in two Gentlemen of the S. who discovered

<sup>1</sup> Senator Ralph Izard, of South Carolina.

from some table of mine, shewn naturally by you, that I had contributed to the stock of information on which your report in favor of their own fisheries was founded. You remember the deportment of Mr. H. upon the subject of the Sea letters, which I undertook, without an idea of compensation and completely arranged so as to meet your entire approbation and that of Gen<sup>l</sup> W. You may judge of the temper and deportment to me. The like temper and deportment was manifested on the occasion of the Report upon our foreign commercial relations, for it was impossible to conceal from jealous eyes the preparation of papers extracted often from Treasury sources. These and all other similar matters were adverted to in the trying expostulations, to which I was subjected for not adhering to a line of conduct grounded, as I conceived upon geographical American party, and personal prejudices, the whole produced, as I believe, by enmity to the principles adopted in the Revolution of 1776—republican principles. These things cut me off from all chances of preferment, if they could be prevented. My decent and fair investigations of the principles of an eminent candidate in 1796, devoted me to sacrifice. A few months worked my immolation. In 1798 the publication of those papers (*The American Merchant*) by which, in private, I had affected the minds of many in the extraordinary session of 1797, brought on menaces of exile and destruction, which I will prove to you, Sir, by several persons. In this course of firm and constant exertion I have been till I saw the republican cause made safe by the success our State election crowned by your own. Permit to ask whether a mere indemnity in some decent form and at some early day is not worthy of the prudent and honorable consideration of the friends of republican government. It is the certainty that you would be impressed with such pretensions which has brought forth those machinations of rival and jealous spirits against me with which you have been assailed."

Such intense partisanship as Coxe's letters reveal made plain the cause of his dismissal by Adams. Holding the opinions he did he could not have been a faithful officer in the administration of a Federalist.

While Adams dismissed a few men like Coxe because of their extreme partisan conduct, he did not deem that political services alone constituted a claim to office. That the general opinion was not favorable to the appointment to office of persons who belonged to a different political school from the administration is clear enough, but the doctrine that mere efficient party work should be rewarded by office does not appear to have been prevalent.

GAILLARD HUNT.

## NOMINATING CONVENTIONS IN PENNSYLVANIA

A NATIONAL nominating convention and all that such a system of delegated authority implies was the outgrowth of state conventions. In many states self-nominations, caucuses and mixed caucuses mark the steps toward a regular representative nominating body. In Pennsylvania, however, while these agencies existed, and at times exerted their influence in the above order, just the reverse was manifest in the first efforts to select a general ticket. Two state conventions composed of duly elected delegates appeared as early as 1788. From that time there was a decline through the mixed caucus to the pure caucus, which by 1800 became a thoroughly organized system for making state nominations. The circumstances which led to the organization of the first nominating convention at Harrisburg, September 3, 1788, grew out of the opposition to the ratification of the Federal Constitution. This opposition found certain local conditions which led it unknowingly toward the development of a representative convention. These conditions were, first, a county-township system of local government, which offered the opposition an opportunity to organize through the township and county into a state protest; second, the pressure of an "over-mountain" or trans-Alleghany population whose bitter hatred of eastern customs and especially of Philadelphia aristocracy had much to do with dividing the state politically; third, the existence of two local political parties whose differences were fed by radical and church prejudices.

The formation of the state constitution of 1776 by the war party in Pennsylvania aroused considerable opposition among the less excitable and peace-loving element. They complained that the constitution was hastily formed and not duly ratified. They felt that it was framed by a body representing only a minority in the state, since many Friends and some Germans who had formerly been active in public affairs had withdrawn from politics. This opposition found little or no expression during the Revolutionary War. It promptly appeared, however, with the peace of 1783. It secured active reinforcement from the late neutrals, from the Friends and Germans, and from the commercial interests of Philadelphia. The party called themselves Republicans and demanded a new state constitution. They objected to the undue patronage which the war constitution placed in the hands of the Supreme Executive Council, and to the



absence of restraints, checks and balances.<sup>1</sup> They were sure that while the constitution of 1776 might be endured during war it could not be tolerated in times of peace. It would jeopardize the commercial interests of the State and tend "to rash, precipitate and oppressive proceedings." The opposition to the Republicans took the name of "Constitutionalists." They had been instrumental in making the constitution of 1776, and they would defend it. Did it not carry us through the long and oppressive war with Great Britain? How then could any one be so unpatriotic as to trample on it now? Surely this opposition must be in league with England and is conniving to overthrow our dearly-bought freedom. The "Constitutionalists" were most largely represented by the trans-Alleghany people, the Scotch-Irish and the more rural population, who were slow to forget their quarrel with England. When the Federal Constitution came before the people for ratification the "Constitutionalists" saw in it an organized plan to rob them of their highly prized liberty. Here was a blow at their individual rights and local privileges. The Federal Constitution was, in spirit, opposed to the state constitution. The Republicans now became the Federalists, and stigmatized the "Constitutionalists" with the term "Anti-federalist." The hurried procedure on the part of the Federalists toward ratification fully convinced the Anti-federalists that the Constitution would not bear deliberate inspection, and, that if they would save the country and its liberties, they must organize their opposition. As soon as six states had ratified and there was a probability that three more would imitate their example, a voice was heard from western Pennsylvania, in April, 1788, suggesting organized opposition. It declared that committees of correspondence are "now engaged in planning a uniform exertion to emancipate this State from the thralldom of despotism. A convention of deputies from every district will, in all probability, be agreed upon as the most eligible mode of combining the strength of the opposition."<sup>2</sup>

Cumberland county was the first to respond to this sentiment. Late in June, as soon as it was learned that ten states had ratified, a county meeting, composed of delegates from the townships, was held. Here a circular letter was prepared and sent to those interested in other counties, urging "that such persons as shall be deemed fit" shall call meetings of delegates from the townships, who in convention assembled shall appoint a number of persons "to represent the county in a general conference of counties of this Com-

<sup>1</sup> McMaster and Stone, *Pennsylvania and the Federal Constitution*, pp. 21, 22.

<sup>2</sup> From XVIIIth letter of "Centinel," in *The Independent Gazetteer, or Chronicle of Freedom*, April 9, 1788.

monwealth, to be held at Harrisburg on the third day of September next (1788)." The primary purpose of this call was to organize a concerted effort either to revise the Federal Constitution or to formulate another compact. The secondary purpose was to select delegates who would place in nomination, at the state convention, eight candidates for the new Congress, and also name the electors who should represent the Anti-federal party in choosing a President and a Vice-President.<sup>1</sup> The letter was circulated through committees of correspondence, and other counties promptly responded. In Bucks the township primaries were called by private invitation, circulated only among those interested. The general opinion in the east favored amendments until the Constitution could be legally revised. The western counties, with few exceptions, demanded revision, or a new constitutional convention. The appearance of Clinton's circular letter from New York, which reached Pennsylvania before all the county meetings had been convened, no doubt exerted considerable influence in determining their attitude upon the matter. This is most noticeable in the resolutions which came up from Fayette county with Albert Gallatin, a delegate. They declared "that in order to prevent dissolution of the Union, and to secure our liberties and those of our posterity, it is necessary that a revision of the Federal Constitution be obtained in the most speedy manner." The safest method to obtain such revision was announced to be "in conformity to the request of the State of New York." An effort was made to secure the concerted action of other states, and in order to accomplish this it was exceedingly important that the Anti-federals secure a strong representation in the new Congress. Delegates to the state convention were accordingly selected for this purpose.<sup>2</sup>

The convention met in the village of Harrisburg on the third of September, 1788. Of the nineteen counties in the state thirteen were represented. There were thirty-three delegates in all, including those from the city of Philadelphia. Twenty-one members came from east of the Susquehanna river, and twelve from the western counties. The most important question before the convention was that between revision and amendments. The eastern sentiment prevailed, and efforts to convene a new constitutional convention were suppressed. A series of resolutions was passed suggesting amendments, a strict construction of the Constitution, an increase of the apportioned number of representatives, liberty for state assemblies at any time to recall or appoint their senators, and that direct taxes due to the national government shall be obtained by quotas,

<sup>1</sup> See *Independent Gazetteer, or Chronicle of Freedom*, Sept. 15, 1788.

<sup>2</sup> See McMaster and Stone, *Pennsylvania and the Federal Constitution*, pp. 552-558.

directly from the several states. As soon as the extreme views were compromised, the more radical element in the convention immediately fastened their hopes on the secondary purpose of the conference, *i. e.*, the nominating of congressmen and electors. Eight Anti-federalists were first named for Congress, but the objection was raised that such a selection would not properly represent the state. At this time the idea that a ticket should represent a party was not entertained. A compromise was effected here also, and two Federalists were nominated. These names, together with those of the ten electors suggested, were carefully protected from undue publicity, and circulated by letters of correspondence among Anti-federalists only. The list was not mentioned in the public prints until November, when the Federalists, in order to advertise their own convention, commenced ridiculing the Harrisburg conference.

As soon as the leading Federalists learned that a meeting had been held at Harrisburg, that an effort had been made to secure a new constitutional convention, that the provisions of the new government had been severely criticised, and that a ticket for Congress and electors had been named, their wrath knew no bounds. By what authority did these men set themselves up to censure the Constitution? What right had they to name a ticket to represent the people of Pennsylvania? Surely these "Constitutionalists" must be bent on treason. If such men are to rule, who then will save us from paper money, tender laws, Indian incursions, mobs, anarchy, poverty, civil war, or even the galling yoke of Great Britain?<sup>1</sup> Another ticket must be prepared for the people. By letters of correspondence, a series of county meetings was called, "to take the sense of the people upon who should receive their franchises for representatives in Congress and for electors." These county meetings differed from those held by the Anti-federalists in having no delegated township representation. They were thoroughly advertised in the newspapers, and with flaming posters on the trees and at the cross-roads. All were welcome. It was the typical Southern mass-meeting. Districts near were largely represented, those more remote were often not represented at all. Everybody was at liberty to nominate. The confusion which resulted led some counties to appoint a nominating committee, which, after withdrawing, would report several names to the general body from which the latter might select. This method was most probably taken from a custom then in vogue in the business meetings of the Society of Friends, in which, for important services, nominating committees were appointed to bring

<sup>1</sup> *Pennsylvania Gazette*, Nov. 19, 1788.

forward names of suitable persons to serve the meeting. Something of the same method appeared when the Philadelphia town-meeting attempted to impose limiting instructions upon its delegates. A committee was appointed, composed of members from the different wards, which was to bring forward, at a future meeting, the names of six suitable persons from whom their delegates at Lancaster might make a selection. Any of the six were considered proper persons to represent the city in the new national Congress. Six names were also selected in the same manner, and recommended to the delegates as suitable persons to be chosen electors.<sup>1</sup> The town meetings were convened before these reports on limited instructions were approved by popular acclamation. This method does not appear at the time in any of the county proceedings. Their instructions were more general. Ability, character and zeal for Pennsylvania's interests were the chief qualities demanded in the resolutions drawn up at these conventions. It was generally urged that the candidates for the positions should be men of ample means.<sup>2</sup>

The Federal convention at Lancaster was convened for no other purpose than to name a ticket. Thirty members were present, representing five more counties than at Harrisburg. The nominees were all Federalists. In selecting the eight congressmen-at-large an effort was made to represent the state geographically. The chief interest of the campaign was centered upon the congressional nominations. The Federalists sought to draw down ridicule upon the Harrisburg convention and its methods. The action of neither convention was considered binding. The Anti-federal ticket, since it contained two Federalists, promised to become more popular. This encouraged the party leaders, who, through the public prints, removed two more of their own men and substituted in their stead two Federalists, thus dividing the congressional ticket equally between the two parties. The Federalists, seeing defeat for them in this movement, immediately proceeded to remove two of their own number nominated at Lancaster, and put in their place the two Federalists selected at Harrisburg. This politic move won for them the victory, and eight Federalists, representing a fusion of the Lancaster and Harrisburg nominations, were elected. These two conventions of 1788 were secured by adopting methods then prevalent in the two leading religious organizations in the state. The Presbyterian method of selecting delegates to a general synod no doubt suggested the means of calling the Harrisburg conference. The

<sup>1</sup> From *The Pennsylvania Packet, or Daily Advertiser*, Oct. 20, 1788.

<sup>2</sup> From *The Pennsylvania Packet, or Daily Advertiser*, Oct. 17 and 21, 1788.

Friends' custom of sending out nominating committees was employed in choosing the members of the Lancaster convention.

The period from 1788 to 1804 marks a most singular rise and fall of nominating methods. It was during this period that state conventions were outgrown and smothered by the caucus system; at the same time the county convention was brought to a remarkable degree of proficiency. The growth of the one and decline of the other, side by side, during the same years, participated in by the same men, is an interesting phenomenon in the development of democratic institutions. The intense excitement which made the conventions of 1788 possible soon disappeared. The new state constitution of 1790 reorganized the political factions in the commonwealth. The Constitutionalists were no more. The distinction between Federalists and Anti-federalists was not tightly drawn upon state issues. The nominating methods of 1788 were not considered binding upon either party. The difficulties in holding a state conference were numerous and serious. There were few, if any, good roads in the commonwealth. Crossing the mountains was a serious and dangerous undertaking. Indeed, it was no uncommon thing for men to make their wills before starting to a state convention. These considerations led, in 1790, a group of prominent Federalists, members of the state constitutional convention and the assembly, to suggest that a meeting of those interested be called before the two bodies should adjourn. At this meeting General Arthur St. Clair was nominated for governor and a circular letter was issued announcing that this selection was made by men representing every part of the state.<sup>1</sup>

These proceedings aroused the active resentment of the Anti-federalists and the anti-aristocratic feeling of many in the convention and the assembly. What right had a few self-appointed men around Philadelphia to dictate to the freemen of the state and name their governor? St. Clair was not nominated by a representative body. These men did not compose an eighth part of the convention and the assembly. The greatest crime of all, however, in the eyes of the opposition, was that they could not agree in the caucus.<sup>2</sup> Another meeting was immediately called. It was composed of Anti-federalists judiciously selected from the two bodies. They nominated General Mifflin, the late president of the supreme executive council. Here was a meeting, they declared, which *did* represent the various parts of the state, and since their decision was unanimous Mifflin was the only legitimate candidate. An interesting

<sup>1</sup> From *Pennsylvania Gazette*, September 15, 1790.

<sup>2</sup> *Ibid.*



campaign now sprang up, in the effort to secure the ratification of one or the other of these nominations before the county meetings. The result was most commonly decided by the faction which could secure the largest attendance. The contests in these meetings all turned upon considerations of the legality or illegality of these caucus-like nominations. It is interesting to note that during the entire campaign no mention was ever made of a caucus. These gubernatorial nominations of 1790 planted the seeds of the caucus method. The conventions of 1788 planted the germs of delegated authority.

By 1792 the Federalists were largely in the majority; upon the proper method of nominating they could not agree. The "Conference men" declared that the methods of 1788 represented the only constitutional means of selecting candidates. The "Correspondence men," deeply imbued with a sense of the efficacy of the methods used in 1790, maintained that a convention was unnecessary. They would send out circular letters to the prominent men in various parts of the state, asking for the "sense of the people" upon the proper character to nominate. From the lists returned a ticket could be formulated which would more truly represent the will of the people than any convention possibly could. This split in the Federal party resulted in the complete absorption of the Anti-federalists. They joined the faction which most nearly agreed with their local prejudices. This remarkable division upon methods of nominating sprang up in Philadelphia, where the Federal majority was the largest. From July until September, 1792, it was fought out in the ward and town meetings. Turbulence, disorder and even riot prevailed. If one faction secured the chairmanship it became the delight of the other party to break up the meeting. "The Conference men" reported in favor of a state convention at Lancaster composed of delegates selected at the various county meetings. The "Correspondence men" reported in favor of letters of correspondence and of submitting the lists secured in this way to the county meetings, by which a ticket could be selected. This carried the war into the county meetings. These, with one exception, were the typical Southern mass-meetings. Hither came conference and correspondence men. The Federalists and Anti-federalists forgot all national distinctions as they divided upon this issue. Here came the men newly enfranchised under the constitution of 1790, men intoxicated with a recently acquired prerogative. In these county meetings was a seething mass of diverse sentiment; here was democracy in the nascent state, in that vigorous and buoyant period of youth when growth was rapid. These recently enfranchised men declared that the right to nominate was as much theirs as the right



to vote. Although they largely represented the turbulent, lawless and even riot-tinged element, they maintained with tender jealousy an unflinching protest against slated tickets and caucus methods. They made nominating conventions possible. Both reports were debated and fought over in these meetings. Each faction was there with a series of resolutions to be approved. Whichever party could secure the greatest amount of Anti-federal aid captured the convention. Occasionally two county meetings were held, as in Montgomery county. This resulted from the fact that the "Conference men" succeeded in holding a meeting composed of committees from the townships. The "Correspondence men" declared that no committee could represent a township, that mass-meetings were the only final tribunal to pass upon these reports.

The result of these county meetings was a state convention at Lancaster, held by the "Conference men." This was the last convention of its kind in the state for twenty years. The Anti-federalists, who initiated representative conventions in 1788, furnished the means of their death in 1792. Although the state had just been divided into congressional districts, the candidates were still named at large. Thirteen men were nominated for Congress and fifteen for electors. The convention was largely Federal. The correspondence faction, through a state committee, sent out five hundred and twenty letters. Replies were received from seventeen out of twenty counties. Forty-three names of Federalists and Anti-federalists composed the list. These names were submitted to a second series of county meetings, where a selection was made and reported to the state committee. By this means a ticket was finally brought into proper dimensions.

One of the important causes producing the decline of conventions and assisting in the growth of the caucus was the fact that a ticket when made in a convention did not stand. It was customary for election districts, usually composed of several townships, to hold local campaign meetings and shuffle the tickets, *i. e.*, select from each list such names as they desired and recommend them by a series of resolutions. The forty-three names published by the state committee of correspondence, and the ticket of thirteen nominated at Lancaster were now taken up and shuffled into as many combinations as there were meetings and committees for that purpose. For over two weeks scarcely a day passed without a new congressional ticket appearing in the public prints. It was not Federalism or Anti-federalism so much as conference or correspondence methods of nominating which marked the congressional issue. The two tickets finally appeared with six names, the same on each; these

were considered representative men above party bias. Then followed their respective conference or correspondence leaders.

The campaign of 1792 weakened the cause of popular conventions. The Lancaster conference represented the convention ("conferee") idea as it then existed in each of the two parties. Henceforth the majority party clings to caucus methods, while the minority struggles for popular conventions. Indeed the growth of modern nominating machinery, from the primary to the national convention, arose from its recognized efficacy in concentrating the strength of the minority. And in the fertile brain of the minority were its devices originated. Caucus methods in Pennsylvania originated in the gubernatorial nominations. The constitution of 1790 placed a large amount of patronage in the hands of the governor. He practically appointed all the county officers, including the numerous magistrates. It was an easy matter for the incumbent, if caucus methods might be employed, to have himself renominated by the retiring members of the assembly for as many terms as the constitution would permit.

In 1793, under cover of an unusual excitement over French foreign affairs and the depression caused by the yellow fever in Philadelphia, Mifflin was renominated by a pure legislative caucus, the first in the state. Indeed a large number of the peace-loving citizens looked upon this as a more respectable method than the mob meetings of 1792. It was not considered so great a crime for a caucus to renominate a governor as to name the congressman. By 1796 the congressmen were nominated by counties and districts, thus turning the people's attention from state to county conventions.

The Anti-federal assemblymen, remembering the quiet caucus which nominated Mifflin, determined to compromise popular sentiment and hold a mixed caucus to select electors. Several prominent citizens were invited from various parts of the state and also the Pennsylvania members in the United States Congress. These, with a select body of Anti-federal assemblymen, proceeded to make an electoral ticket. The Federalists nominated their electors in the same manner, except that no mention is made of United States Congressmen having been invited to the caucus.

The people took but little interest in the nominations of 1796. Their right of being represented in the nominating body was resigned without much protest. These mixed caucuses of 1796 became the stepping-stone from the delegated conventions of 1788 and 1792 down to a pure caucus in 1800. By this time the Republicans (Democrats) had a majority in the assembly, the Federalists in the state senate. The Republicans for four years had been petitioning

the legislature to pass an enactment districting the electors. Their failure in this aroused general indignation. What right, they asked, has the legislature to refuse to make provision for the popular selection of electors? Such indifference was unconstitutional. These privileges ought to flow from the choice of the people. These were Federal attempts to usurp the liberties of the people and must be suppressed. This protest from the minority party led to a compromise. The assembly (Republican) selected eight and the senate (Federal) seven of the fifteen electors. By this means Pinckney, the Federal candidate for President in 1800, secured seven votes from Pennsylvania. This was the last protest against the caucus. In 1804, when the Republicans were in the majority, they forgot their appeals of 1800 and assumed the pure caucus privileges without any qualms of conscience.

Since the conventions of 1788 three presidential campaigns had intervened. The methods of nomination had been: Conference or correspondence in 1792, mixed caucus in 1796, joint vote of the legislature in 1800, and a pure caucus in 1804. For several years popular interest had been centered upon county conventions. Anti-caucus sentiment found its life among the people. By the time when the pure caucus appeared in state matters thoroughly organized county conventions with delegated representation from the townships and thoroughly equipped county committees were common.

The first county meetings were of the Southern mass-meeting type, the largest attendance, of course, coming from the districts nearest the county seat. Township representation was secured by appointing a committee composed of citizens present representing the various townships. This custom probably originated in the town meetings of Philadelphia, where a "ward's committee" was appointed from the wards represented and was sent out as a nominating committee. The township primary meeting appeared in embryo in 1788, when the Anti-federalists urged each township to convene such persons as were "deemed fit" and select from the number suitable persons to represent them in a county meeting. The primary meeting grew in counties where the two dominant parties were nearly evenly divided.

The Montgomery county Federalists, in 1792, being slightly in the minority, held township meetings and appointed committees to attend the county meeting which sent delegates to Lancaster. The Anti-federalists, or the correspondence faction, held their county meeting and advertised that no township committees were expected to attend. Two years later (1794) seventeen townships and one borough were represented at the county meeting. The credentials

of the delegates were verified and none but those who had been duly elected at a township meeting were admitted.<sup>1</sup>

As soon as the Republicans obtained the majority in Montgomery county the further development of the county meeting ceased and was taken up in Chester county, where the Federalists were slightly in the majority. In 1794 three nominating county meetings were held; a mass meeting was held at Marshalton to nominate county officers, an inter-county mass meeting at Dilworthtown, composed of the "electors" of Chester and Delaware counties, to nominate a congressman to represent the two counties. The third meeting was held at West Chester, September 16th, for the purpose of selecting conferees who should meet those from Bucks and Montgomery counties and nominate four candidates for state senate. Although Chester county was still strongly Federal, it was thought that the Republicans might carry the three counties for the state senate if the nominations were carefully made by representative bodies. This was considered especially necessary in Chester county. Township meetings were accordingly held and committees of two were sent to the county meeting. Each township was permitted to have but one vote in the convention. No serious objections were offered to the delegated powers exercised in this meeting, since it was called for a special purpose.

By 1800 delegated representation became an established feature; at the same time the people looked upon the county mass-meeting as the only final tribunal. Nominations must be referred to these mass-meetings for approval. It was at one time proposed in Chester county to refer the nominations made in a convention of delegates, to the people assembled in mass-meeting in each election district. Since these districts were often large, objections were offered to this referendum. A compromise was accordingly effected and the citizens' county mass-meeting and the convention of delegates were convened the same day. All assembled in mass-meeting and effected an organization. Then it was resolved "unanimously that this meeting" (the citizens) "withdraw for a space of time, so as to afford sufficient room and every other opportunity to the committee" (delegates) "to accelerate the important duties for which they have been chosen and convened."<sup>2</sup> These delegates effected another organization and made nominations for all the offices at their disposal, except such as were selected by conferees. The ticket thus framed was presented later in the day to the people's convention for approval or disapproval. This referendum was in vogue in Chester

<sup>1</sup> *Pennsylvania Gazette*, Oct. 10, 1794.

<sup>2</sup> From *Aurora*, Aug. 31, 1802.

county until after 1803. Its suppression caused a temporary division in the Republican party. A similar method was continued in Philadelphia, where the nominations made at the meeting of the wards' committee were referred to a general town-meeting for approval. Some modification of the same feature appeared from time to time in a few of the other counties. In the growth of local democracy this referendum reveals a stubborn reluctance on the part of freemen to resign a popular privilege into the hands of a few. They believed that such matters should find their ultimatum in the will of the people. The county committee was an outgrowth of the committee of correspondence. The people objected seriously to self-formed committees. What right had a few men to form themselves into a committee and call a convention? It soon became customary to elect a committee at the county meeting to serve for one year. Chester county at one time had four committees: (1) a corresponding committee, composed of two men in each township; it was their duty to call and conduct the township primaries; (2) a "major committee," composed of six citizens in each township, whose duty it was to furnish tickets and to conduct the elections; (3) the representative committee, composed of the delegates, whose duty it was to form a ticket; (4) a permanent committee, composed of five prominent citizens at large; it was their duty to keep the records, look after the printing, and enter into correspondence with other counties and the general committee at Philadelphia. It was from a union of the features found in the permanent committee and the correspondence committee that the modern county committee was formed. The selection of conferees to confer with those of other counties, in order to nominate a congressman or a state senator, was one of the most potent factors in forcing the people to delegate their authority into the hands of others.

Almost from the beginning of the conferee system it was customary for the convention to pass resolutions instructing their conferees. Difficulties soon arose because candidates would not abide by the decision of the conferees' committee. The defeated candidate would, in many instances, conduct a campaign on his own account. This led, as early as 1801, to a concerted effort compelling candidates to pledge themselves to abide by the decision of the conferees. The pledging was done in the presence of the convention where the conferees were selected. The instructing of delegates and the pledging of candidates were features brought into prominence by the system of conferees. Self-nominations for county offices were common until about 1800. Frequently as many as six or eight candidates

<sup>1</sup> From *Aurora*, Oct. 4, 1803.



had their cards before the public for the same office. If one of them secured the endorsement of his party in county mass-meeting it did not deter the others from continuing as candidates. The office of sheriff in the city of Philadelphia was exceedingly profitable. The Republicans in 1800 perceived that unless some method was adopted to diminish the number of candidates a Federalist would secure the office. Previous to this time party politics had not seriously affected county positions. The Republicans, having the majority, were determined that no Federalist should hold a position of profit. A special meeting was accordingly called in November, 1799, to devise some method to reduce the number of candidates for the shrievalty. At this meeting a committee was appointed to consider the matter. This committee met with all the candidates and proposed that each man choose from among his firm friends seven persons who should represent him in a future meeting. Four candidates pledged themselves to abide by the decision of this committee of twenty-eight. A candidate was finally selected after considerable wrangling and ill-feeling. The applicants for the commissionership were instructed to select three men to compose the committee to choose one of their number for that office. So many complications arose from this method that in 1801 the ward's committee suggested sending the candidates out to select from among themselves some one whom they all could support; if they could not agree they were pledged to leave the selection to the ward's committee. Of course, they could not agree and this threw the selection of county officers into the hands of the ward's committee. As a consequence the struggle for these positions was shifted from the general election into the county meetings and finally into the primary meetings.

The perfecting of the county convention and the division in the Republican party gave birth to a new anti-caucus sentiment by 1805. The patronage placed in the hands of the governor by the constitution of 1790 led the dissatisfied to believe that a change in the executive would cure their troubles. Consequently, when McKean was nominated in 1805 for the third time by a pure caucus, the opposition, composed of Federal Republicans, or Quids, and some Federalists, nominated Simon Snyder by using the correspondence methods of 1792.

The county convention was considered by the people the final tribunal upon a state nomination. Each faction now placed the name of its nominee and its method of naming him before these county meetings, and a caucus and anti-caucus campaign was fought over in a similar manner to that of the correspondence or conference struggle in 1792. This led to a discussion in 1807 of the evils of



caucus methods. Counties whose representatives on the conferees' committee had been slighted or ignored took up the subject with vigor. The Federal Republicans and several Federalists united in the movement. Resolutions were passed in county meetings urging that the nominations for 1808 be made in a state convention, composed of as many men as constituted the assembly, and that under no circumstances should this convention be composed of men who held an office of profit under the governor. Indeed it was demanded that they should pledge themselves not to hold such position for three years after the convention.

When the campaign of 1808 opened the leaders thought it best to crush all such anti-caucus sentiment, or, failing in this, to compromise with it. It was unconstitutional for McKean longer to retain his office, three terms having now expired. Snyder could easily be nominated by a Democratic-Republican caucus if the party quarrels could be healed, and since the Federalists were going to nominate a ticket immediate union with the dissatisfied element was necessary. This was effected by a compromise. The Democratic-Republican state committee met with the legislative caucus. Minority counties, with no representation in the assembly, were permitted to send delegates to this caucus or quasi-convention. This body nominated Simon Snyder for governor, April 30, 1808. They also collected the presidential electors and instructed them to support Madison for President. This compromise silenced the anti-caucus element in the party.

The presidential nominations of 1804 were the only pure caucus nominations which were unopposed. By 1808 the Federalists were talking against caucus nominations of presidential electors. This fact made it very much easier for the Democrat-Republicans to gather these anti-caucus prodigals home under the parental roof. Indeed this fact split the Federal party temporarily. The Constitutional Federalists (those favoring a new state constitution) held a pure caucus at Lancaster and nominated John Spayd for Governor. The stalwart Federalists spent all their energies in criticising Spayd and all caucus nominations.<sup>1</sup>

This shifting of the anti-caucus sentiment into the ranks of the Federalists led the Republicans to exert every effort to heal their old party division. Duane was now leading the anti-caucus faction in the party and advocating a state convention in 1811. This sentiment must be crushed if Snyder was to be renominated. Accordingly the war party brought out their political whip and succeeded in silencing all public agitation of the subject. Simon

<sup>1</sup> See Poulson's *Advertiser*, July 7, 1808.

Snyder was nominated by a pure legislative caucus in 1811. The anti-caucus men among the Federalists saved their ammunition for the presidential campaign. They struggled to make this the issue with the entire party and succeeded by posing as the peace party and thus securing several anti-war Republicans. The war party nominated their electors at a pure caucus. The peace party called a state convention to meet at Lancaster on September 24th. This movement started in the York county convention, where resolutions were passed favoring a state convention to select electors, who were instructed to vote for De Witt Clinton for President, and Jared Ingersoll for Vice-President. The Lancaster county convention endorsed the action of York county, and, after passing resolutions condemning caucus methods, named their preference for elector to represent Lancaster city.

The peace party in the different counties now followed this example, selecting delegates and instructing for electors. This produced the first state convention since 1792. It was held at Lancaster, September 24, 1812. Many of the county meetings which sent delegates were the old-fashioned mass-meetings without township representation. This was due to the fact that the Federalists adopted the methods of the Republicans with reluctance.

From this date, the anti-caucus sentiment was united on both gubernatorial and presidential issues. It appeared in 1816, uniting the anti-Monroe and anti-Snyder factions. A state convention, similar to that of 1812, was held. Counties which were unable to send delegates were urged to send their instructions in writing. The convention, therefore, involved a combination of the conference and correspondence ideas of 1792. Since it was impossible to agree upon instructions for the electors, it was simply resolved that Monroe was not the unanimous choice of the state. The Monroe Democrats supported the electoral ticket made by a pure legislative caucus.

The presidential campaign was overshadowed by the approaching gubernatorial contest of 1817. Snyder's three terms had expired. The anti-caucus faction was now known as the "Old School Democrats," while the caucus men were called "Patent Democrats." The remnant of the Federalists was divided. As soon as it was ascertained that the "Patent Democrats" were arranging to nominate Wm. Findley in caucus, the opposition flew into the wildest excitement. A caucus was bad enough, but a caucus "cut and dried" was intolerable. A state convention must be held on the same date as the caucus, March 4th, at a place far from the "intrigues of

the Executive and his servants, the Assemblymen." Carlisle was chosen as the best location. County meetings were held all over the state during January and February. Mifflin county instructed for a character of honesty, integrity and sound Republican principles. The members of the Berks county convention pledged themselves to oppose any candidate nominated by a Harrisburg caucus. They also sent instructions to their representatives in the legislature, not to attend the caucus on penalty of being considered "unworthy of the confidence of the people of the county." Three counties were represented at Carlisle by written instructions only. Six names were placed in nomination, though it was generally understood that five of them would withdraw. Joseph Heister was nominated unanimously. The convention declared itself in favor of rotation in office as essential to the safety of a free people.

The "Patent Democrats" sought to compromise with the anti-caucus element by holding a mixed caucus. It was composed of assemblymen, office-holders and the warm friends of the two candidates, Findley and Boileau. But the day had gone by when any such compromise could silence the anti-caucus agitation. The personal bitterness of the campaign only gathered fuel for the combined state and national contest of 1820.

The Old School Democrats now assumed the name of Independent Republicans. The anti-caucus protest and rotation in office were the chief planks in their platform. These were the twin giants who were to cleanse the Augean stables of political corruption. The chief instructions at the county meetings were to elect anti-Findley men. March fourth was found to be an unpropitious season of the year to secure a large delegation. Twenty-nine men met at Carlisle and placed twelve names in nomination *viva voce*. It was the general opinion that the more names they could propose from which to make a selection, the more Democratic would be the proceedings. Joseph Heister received all the votes but one.<sup>1</sup> The electoral ticket was made but not announced. The Findley party held a mixed caucus, but convened it at Lewistown in order to secure more popular approval and a large attendance. This was a compromise with the popular antipathy to any nominations emanating from Harrisburg.

Three years later the state executive was again open. Joseph Heister, being true to the principles of his party, retired. The original Democratic Republicans, recently known as Patent Democrats, the caucus faction, now realized that if they were to secure the governorship they must compromise with the anti-caucus faction,

<sup>1</sup> *Aurora*, March 8, 1820.

the Independent Republicans, in a more decided manner than they had ever done. Indeed, if they could but retain the shadow of a caucus it would be an entering wedge when this inane excitement should die away. They accordingly fell in with the anti-caucus men in holding county meetings and selecting delegates for a rousing state convention to be held at Harrisburg, March 4, 1823. In this convention, minority counties not represented by regularly chosen delegates were allowed to be represented by the required number of their representatives in the assembly or the senate.

Of course the caucus element was largely in the minority in this convention. Both factions were represented. Here was a convention with a contest. They balloted all day without making a choice. That evening a combination was made, and the next morning John Andrew Shulze was nominated by a vote of 95 to 36.<sup>1</sup> The Federalists in the convention, together with the Independent Republicans, immediately saw in this nomination the hidden workings of a caucus. The caucus ferment in the convention spoiled the entire mass. This was nothing but a machine to make governors, a trick to fool the people. They would submit to nothing of the kind. A pure nominating convention must be held. This was accomplished at Lewistown, May 15th.

After this date all conventions for state purposes were free from caucus intrusion. In 1824 the Independent Republicans, now called Andrew Jackson Democrats, held a pure nominating convention composed of one hundred and twenty-four delegates. At this meeting it was decided that no elector had a right to bolt their instructions. The caucus party called a pure nominating convention also, and instructed their electors for Wm. H. Crawford. The dying gasp of caucus methods appeared in one of their resolutions, which declared that they favored congressional caucuses as a means of nominating presidential candidates. This was done for the purpose of gathering votes from both parties.

The campaign of 1824 removed the last vestige of caucus methods. The state was now ready to join her sister states in securing a national convention for presidential nominations.

JOS. S. WALTON.

<sup>1</sup>From *United States Gazette and True American*, March 7, 1823.

## REPRESENTATION IN THE NATIONAL CONGRESS FROM THE SECEDING STATES, 1861-65

### I.

THE following paper deals with a small part of a very large subject. It is limited in two directions, in time and in scope. It ends just as Congress was about to constitute the Joint Committee on Reconstruction. It does not discuss the report of that committee; much less the laws that followed. It does not even discuss the earlier proposition in Congress, made in the form of bills for the better governing of the seceded states, or of resolutions setting forth the true relations between the national government and the seceding states. Interesting and valuable, doubtless, from some points of view, none of them were ever passed to be laws; none were ever applied practically.

Moreover of all the various relations existing between the several states and their citizens on the one hand and the national government on the other, only those with the national legislative are here discussed, and these not in full. The discussion is strictly limited to the cases in which the respective houses of Congress judged the qualifications of applicants for membership from the states in insurrection. The results are made public in the hope that they may prove of some little interest to students of United States history since 1860; and in the further hope that they may prove of some service as one introductory chapter to the study of reconstruction.

Ten times in the Senate and more than thirty times in the House of Representatives, during the Thirty-seventh and Thirty-eighth Congresses, was application made for admission by men claiming to represent some portion of the territory then in insurrection against the national government. Full lists of the cases with the disposition made of each are given in notes at the end of this article and of its continuation respectively. The body of the papers will be limited to an analysis of the typical cases in order to present the principles and interests involved.

The point of view is necessarily and exclusively that of the national government. In a considerable portion of the territory over which it held sway, its authority had of a sudden been resisted and defied; there was rebellion, the organization of a hostile government and attempted revolution.

Some of the states were in full possession of the hostile power before the national government could move. Its first step was to check the progress of secession. Maryland, Kentucky and Missouri were saved after a struggle. The next step was to recover lost ground. West Virginia had been promptly and completely recovered; and after a while Louisiana, Tennessee and Arkansas were regained beyond successful military dispute. The longer and more stubborn the resistance, the more difficult and risky the reconstruction. It is impossible to refer here to the work of the executive department of the government in reconstruction, or to describe the progress of the army and the work that was accomplished in its rear—establishing civil order and local government, opening the courts and starting business. Our attention must be confined to the action of the two houses of Congress on the question of filling the vacancies in their ranks by the admission of members from the states and districts which had seceded.

One general remark in passing: Some of the applicants for membership came representing districts which honestly and fully repudiated secession and secessionists. In other cases the desire of the applicant for office and the emolument thereof is more apparent than either the desire or the worthiness of the district to be represented. These are the extreme cases; others lie between.

The chairman of the House Committee of Elections in both Congresses was Mr. Henry Dawes (Rep.) of Massachusetts, later senator from that state. Of the nine members, six were Republicans and three Democrats, Mr. Voorhees, of Indiana, being the leader of the minority. In the Senate Mr. Lyman Trumbull (Rep.) of Illinois was chairman of the Committee on the Judiciary, to which all election cases were referred, with four Republican and two Democratic associates.<sup>1</sup>

When the Thirty-seventh Congress met in extra session, July 4, 1861, four congressmen appeared from Virginia, one from the district opposite Washington, including Alexandria, and three from the western portion of the state, out of which the state of West Virginia was afterwards formed. Mr. Dawes made a statement concerning the election west of the mountains. In brief the situation was this: In view of the near approach of the regular congressional election, the Richmond convention forbade the election of federal congressmen. There was no official call; but an election *de facto* was held on the regular day, May 23, and was part of a movement by which the people of the western counties were proceeding to repudiate the

<sup>1</sup> But when Jas. A. Bayard (Del., Dem.) resigned from the Senate, Jan. 29, 1864, his place on this committee was taken by Reverdy Johnson (Md., Rep.).



action of the Richmond convention and to form *ab initio* a state government composed of loyal men. The vote was taken in the midst of much partisan excitement. But "no serious breach of the peace occurred."<sup>1</sup> The vote was only moderately full, but the applicants received a majority of the votes cast. On this showing, Messrs. Brown, Carlile and Whaley were admitted to represent the tenth, eleventh and twelfth districts, respectively, and they immediately qualified and took their seats.

So also did Mr. Upton, from the seventh, the Alexandria district, whose case was not distinguished from the others at this time. Several days later, however, a member questioned his title to a seat and his case was referred to the Committee of Elections, which reported during the long session. The question was raised whether he was a citizen of Ohio or of Virginia at the time of his election. But the case was decided on another point. Only a small fraction of his district was loyal or at least able to show its loyalty. It was constantly threatened by the Confederate army and part of it had been occupied by them on the day of the alleged election. The election was called by the secession authorities for the choice of state senator and delegates to Richmond and was held on May 23. A document purporting to be a copy of the poll-book of one precinct (voting in Virginia at that time was *viva voce*) showed that ten votes had been recorded for the claimant for representative in the national Congress; but no election officers, secessionist or other, certified to its authenticity. The committee held that there was no proof that any votes at all had been legally cast for him and that he was not entitled to a seat. The report was opposed on the floor of the House on the ground that it was as proper to hold an election in this district on May 23d, as in the western districts, whose representatives had been admitted; that the authority of the Richmond convention should not be recognized either to prohibit or to supervise an election to Congress, and that it was simply a question whether loyal votes had been polled. But this point was covered in the report. The committee had inquired whether enough loyal votes had been polled to make the election a valid one, and had agreed that to seat him on the showing would be a bad precedent. A motion to amend the report by confirming Mr. Upton's title to his seat was voted down, fifty yeas to seventy-three nays (thirty-five Republicans and fifteen Democrats to forty-nine Republicans and twenty-four Democrats). Accordingly he was unseated, February 27, 1862.

Meanwhile the movement to re-establish a loyal state government had resulted in a popular convention at Wheeling; the convention

<sup>1</sup>Hagans's *W. Va. Reports*, I. 54.

had inaugurated a state government, including a legislature; the legislature had met, transacted ordinary business and adjourned. The convention, reassembling, then called an election for the choice of representatives in congress in those districts in which none had been chosen in May. Under this call an election was held in the first district, as a result of which Mr. Segar claimed a seat. The committee held that the convention had "no authority to act in the presence of the legislature." It was convened for the purpose of creating a new state. Its functions ceased the moment the new government took on form and life. The election was, therefore, illegal. They went on to say further that the law of Virginia had not been complied with, and that, finally and decisively, a majority of the voters of the district had no opportunity to participate. Yet Mr. Blair, who was chosen to succeed Mr. Carlile in the eleventh district on the same day and under the same authority, had already been admitted without reference to a committee. Mr. Dawes had insisted, in the face of objections, that this case was clear on its face and in fact and ought not to be referred; and it was, indeed, pretty well known that there had been a full, fair and free expression of the wishes of the district. It therefore appears that the alleged illegality of the call was treated as cumulative with other irregularities in the case of Mr. Segar; and was overborne in the case of Mr. Blair by the fact that there had been a full, fair and free choice in his district, conducted at the polls in essential conformity to law. Still, if the first point made by the committee in the Segar case really means any thing, it is hard to harmonize with it the implied ruling of the House in the Blair case, supported, as the former is, by later rulings; and probably it is not best to try to do so. Mr. Blair's *prima facie* title to a seat was confirmed by the House without an investigation by the committee, an essential difference despite the attitude of the committee's chairman.

Mr. Segar was refused a seat, yeas 40, nays 85 (nineteen Republicans and twenty-one Democrats to sixty-seven Republicans and eighteen Democrats). A little later he returned, having been elected "according to law," by the votes of three counties out of seventeen in the district, including Norfolk city and constituting half the voting strength of the district. The reasoning of the committee was on this wise: The disloyalists must not be considered. Their relative number is important only in determining whether the loyalists acted freely and independently, without fear or intimidation; and this is determined accurately enough in most cases by considering whether the locality was well protected within the Union lines. Not all the loyalists would vote; only a small per cent. in fact.

But those who were free to protest and did not are held to have acquiesced in the choice of the majority of those actually voting; and whoever had a majority of the votes legally cast is taken to be the representative acceptable to the majority of the loyal voters of the localities which participated in the election. But part of the district could not participate freely, being in the Confederate lines or dangerously near them. Could the representative chosen in a part be taken as the representative of those who had not even the opportunity to protest? A calculation would be necessary. An approximate estimate must be made of the proportion of loyalists in the total population of the localities participating. Such estimates were generally given in the evidence submitted in the case. Assuming the same proportion to hold for the whole district, a calculation must be made of the total number whose participation in the election, acquiescence or protest ought to be considered. Assuming further that the same proportion would have voted throughout the district had it been entirely free, an hypothetical total vote for the district could be calculated. Was the total number of votes actually cast for the claimant a majority of this hypothetic total? or if not quite, inasmuch as it would be an extreme supposition that the votes of the rest of the district would have been cast unanimously against him, was his proportion of the votes actually cast so large that it would be entirely safe to assume that, if the election had been actually free throughout the entire district, he would still have had a majority of the legal votes? If so he must be taken to be the representative of the district.

In a computation in which so many factors could be only approximately known, the margin of doubt would necessarily be large. Segar's second election was clearly within it. Of 1,018 votes cast Mr. Segar received 559. The localities participating contained half of the population of the district. In the last preceding gubernatorial election the district had cast 7,986 votes. It was not clear beyond a doubt that he should be considered the choice of a majority of the estimated vote; nor was it clear that he should not be. The committee would make no recommendation, but threw the responsibility of deciding upon the House and asked to be discharged.

The House decided the doubt in the claimant's favor by adopting a motion to seat him, seventy-one yeas to forty-seven nays (thirty-six Republicans and thirty-five Democrats to forty-two Republicans and five Democrats). Mr. Segar took his seat and participated in the proceedings looking to the admission of West Virginia to statehood, which he opposed.

It is noticeable that the Republicans voted against seating him by

a small majority and that the Democrats voted almost unanimously for it, though he was known to be an administration Republican. Indeed it is hard to find any indication of partisan lines, either between Republicans and Democrats or between administration and anti-administration men. Some Democrats voted for the admission of the representative in nearly every case, almost regardless of the special merits. Others voted ~~as~~ consistently against admission. Others still seem to have regarded only the merits of each particular case. This one inference seems warranted: the Democrats were, as a body, much more inclined than the Republicans to admit a claimant, whose credentials were formally correct, without critical investigation. Furthermore there are some things unexpressed which are nevertheless plainly to be read between the lines. Mr. Segar, for example, evidently enjoyed the respect and sympathy of the House, as was manifest even at the time of his first application. He then had friends on the floor of the House who pleaded earnestly for his admission, and the decisive majority against it at that time on a ye and nay vote is, therefore, an emphatic endorsement of the report of the committee, especially of the third point therein, rejecting his claims because a majority of the voters of the district had not had an opportunity to participate in the election.

Let us now turn to the case of A. J. Clements, from 'he fourth district of Tennessee, the seventh case in the chronological list which is appended to this article, but the first case on which the committee made a report, setting a precedent which was consistently followed. When the customary date for electing congressmen approached, the first Thursday of August, 1861, Tennessee had practically joined the Confederacy and had a secessionist state government. As it was desirable that the state should be represented in the Confederate Congress, the governor called a congressional election as usual and also submitted the permanent Constitution of the Confederate States for ratification. In the eastern section of the state there was a strong Union sentiment and a vigorous campaign was conducted against the Confederate Constitution as well as for it; for Federal as well as for Confederate congressmen. In some cases, if not in all, the Union and the Confederate votes were deposited in the same boxes and counted by the same officers.<sup>1</sup> In some voting-places there was a majority against the Confederate Constitution; and it appears that in some places even the local election machinery was in the hands of the Unionists. However, when the votes had been canvassed, the leading secessionist candidate in each district received his certificate of election to the Confederate Congress. The Union

<sup>1</sup> Personal recollections of Dr. E. E. Hoss, editor of the Nashville *Christian Advocate*.

candidates had to be satisfied with such evidence of their election as they could gather, largely unofficial. Three of them applied to the Congress at Washington and were admitted.

Mr. Thomas A. R. Nelson, from the first district, fell into the hands of the Confederates while on his way to Washington and was taken prisoner to Richmond. There influential friends secured his release on his promise to return home and take no further part in politics.<sup>1</sup>

Mr. Horace Maynard, from the second district, was present at the opening of Congress in December, 1861. His credentials were irregular, for neither governor nor canvassing officers would prepare them. But Mr. Dawes stated on his behalf that he had been elected on the usual day, under an ordinary proclamation; that the contest was regular, the vote large and the election according to old laws and long established usage; and that he had the certificates of the sheriffs in the several counties of his district that he was elected.

Mr. Clements was less fortunate. He had to flee from the state so soon that little legal evidence of his election could be secured. But among the exiles in Union camps and elsewhere in Kentucky he secured a number of affidavits of men who had voted for him, stating the fact and declaring that, in their opinion, from knowledge of the circumstances, about 2,000 votes were cast for him, the district usually casting some 6,000 votes, and the secessionist candidate at this time polling heavily.

The committee found that the vote in one county had been certified by the sheriff and was legal; in that county Mr. Clements was found to have nearly or quite all the Union votes. The election was free from intimidation; for there was no circumstance at the time to prevent such voters as chose so to do from depositing their votes for a representative in the Federal Congress; and he was unmistakably the choice of the Union men of the whole district. The committee recommended that he be seated, holding that the refusal of the governor to grant a certificate did not prejudice the right of the claimant, which in other respects they found to be satisfactory. The House so ordered.

Mr. Bridges, from the third district of Tennessee, did not reach Washington until more than a year later. In the third session, a week before the expiration of the Thirty-seventh Congress, he arrived and his case was brought up immediately by Mr. Maynard on a question of privilege. The House refused to refer his case, forty-five

<sup>1</sup> This differs slightly from the statement made in Congress (*Cong. Globe*, 37 Cong., 3 Sess., pp. 1295-6). It is based on the authority of Dr. Hoss, who at the time was neighbor's boy to Mr. Nelson. Mr. Nelson was a staunch Unionist, of sterling integrity and most highly esteemed throughout the community.



yeas to eighty-eight nays (twenty-one Republicans and twenty-four Democrats to seventy Republicans and eighteen Democrats). He was, therefore, admitted at once and given pay for the whole term. It was stated on the floor that his credentials were signed by the "secretary of the state," or by the "former secretary of the state." The writer has been unable to identify the functionary or discover the peculiar virtue in his certificate.

All the cases thus far discussed occurred within the first twelve months of the war. They may, therefore, be taken to illustrate the first impressions of what was the right and expedient attitude to take toward the people of the seceding states, and the results may now conveniently be analyzed.

The legal status of the seceding states scarcely entered into the consideration of the committee, *co nomine*. Congress did not admit the right of a state to secede; secession then, if a fact at all, must be a fact not of right, but of might, *i. e.*, it would not be accomplished until the Federal Government should be forced to admit it and to cease opposing it by arms. Until that time the legal status of these states would remain unchanged, so far as the national government and its deliberations were concerned. The essential distinction to be drawn by the national government was that between obedient and disobedient, loyal and disloyal, citizens. The latter were numerous, organized, in possession of a considerable part of the territory within the boundaries of the United States, formidable in arms and entitled to be treated as belligerent enemies. The former must be protected in all their rights and privileges. Not only ought they to be allowed the representation to which they were entitled; but to secure it to them and increase the territory represented in Congress would add to the dignity of the government by making a show of success against the disloyalists. Also it would undoubtedly encourage the loyalists. Step by step, as conditions seemed to warrant, the executive re-established the postal system, collected the revenue and enforced the national laws; the judiciary opened the courts, and Congress permitted representation. So, gradually, complete normal relations might come to be established in a locality, in a whole state and in state after state.

Later, when the Federal arms were successful, and it was realized that the greater proportion of the population, both in numbers and in political and social influence, had been wilfully disobedient and was now professedly loyal only by force of circumstances which had brought to nought the efforts to maintain independence, it became a serious question whether, how far, and under what safeguards the people should be allowed to exercise their normal privileges. The



aspects which the situation then bore will serve by contrast to illustrate the aspect of affairs in the first months and years of the war.

In the districts under consideration, there was a nucleus of loyalists who had manifested their devotion to the national government by self-sacrificing words and acts of protest. Moreover the opinion was general throughout the loyal states that many had acquiesced in the insurrection under duress, and that they would renounce their connection with the Confederacy and might be unreservedly trusted with the full exercise of political rights. The disillusionment had not yet come. This class proved to be less numerous than had been thought, and further disappointment came from the inability to distinguish them from those whose professions of allegiance were made chiefly for the purpose of protecting their property from the ravages of the army.

Thus the policy of admitting representatives from the doubtful and insurrectionary states is explainable on strong grounds of right and reason, interest and sympathy. There were theories in plenty touching the legal status of the states, and plans of reconstruction logically deduced therefrom. But this is not the place to enumerate and discuss them. The action of Congress was eminently concrete; and these few paragraphs simply embody an attempt, which it is hoped will not be altogether useless, to reason backward from the concrete to the abstract and to present a theory consistent with the facts.

The House committee was very free in going behind the returns and examining into the character of the election. It sought for conformity to law at the polling places. In every case favorably reported, there were found to be at least a few votes cast, counted and returned by the local officers in substantial conformity to the law. In many cases reported with recommendation to reject, the committee were unable to satisfy themselves that any votes at all had been legally cast and counted. However, this was never the sole ground for rejection; the committee went further and found other grounds. But whenever the casting and counting of votes had been safeguarded in substantial conformity to law, the questions of governor's proclamation or governor's certificate and like formalities were readily waived. That is, a district might be represented regardless of the situation in the state at large. If on the customary day or after due notice a district had been free to act and had so far succeeded as to have some votes cast upon which no taint of suspicion could be thrown; if the conditions were such that those who did not vote or whose votes were not counted by the committee could be fairly taken to have acquiesced in the result, the claimant was recommended for admission.

It was a time of rapid change and varying conditions. Later cases involved new considerations which are worthy of presentation here. In the spring of 1862 the Union troops took possession of New Orleans and a few outlying parishes, comprising nearly the whole of two congressional districts, and held such undisputed sway there that President Lincoln was able to put his own plan of reconstruction into operation. A military governor was appointed, a quasi-civil officer, who saw to it that executive and judicial officers were appointed and local and general affairs administered in as full conformity to local law as possible. Under the direction of the military governor elections for two members of Congress were held in 1862, and, somewhat later, in the spring of 1864, a full list of state officers was chosen by popular election, to whom presently the military governor and his appointees gave way.

The first congressional election was held under the auspices of the military governor December 3, 1862. In one district Mr. Flanders received 2,370 votes and all others 273. In the other Mr. Hahn received 2,799 and four others 3,318; about half the usual vote was polled. Two country parishes failed entirely to participate, being outside the Union lines. The registration law of the Confederate legislature, requiring an oath of allegiance to the Confederacy, was set aside and a registration ordered under the law of 1856. The sheriffs issued writs of election and the necessary officers were appointed and fulfilled their functions. But those who ought to have registered and could not do so, or had not, were allowed to vote upon satisfying the commissioners at the polls of their fitness.

So far as recent precedents applied to the cases, it was clear that the claimants were worthy of admission. The new points discussed in the report of the committee and on the floor of the House were: first, the intervention of authorities from outside the state, without warrant of the state constitution or any law of Congress; secondly, the intervention of the federal executive and the army of which he was commander-in-chief. It is significant of the changing conditions and growing sensitiveness of public opinion that these questions now came up for discussion. However, the change of opinion was outside the committee rather than within, as is evident from the recorded votes of its members and from the words of Mr. Dawes, who would have given the act of Military Governor Shepley the same force as if his appointment had been made "by a mass-meeting of all the electors;" and as the sequel will show the change did not yet extend to a majority of the House.

Though "the exact powers of a military governor cannot be easily defined," the committee found that both the Supreme Court<sup>1</sup>

<sup>1</sup> *Cross vs. Harrison*, 16 Howard, 164.

and Congress, in the case of the senators and representatives from California, had recognized the performance of civil as well as military functions by this officer, and they held that his powers originated in and were limited by necessity. Then, quoting the constitutional obligation upon the United States to guarantee to every state in the Union a republican form of government, the committee argued that representation in the national Congress was one of the essentials of republican government in a state of the Union. Therefore, to hold the election for the choice of congressmen was a function imposed by necessity "in the interim between the absolute reign of rebellion and the complete restoration of law," and so was an act of unimpeachable legality.

Or, again, an argument by confession and avoidance, General Shepley was *de facto* governor of Louisiana. He was performing all the acts of governor; no one opposed; everywhere there was acquiescence. "This House has no jurisdiction to determine who is rightfully in the office of governor of Louisiana." But the power of a governor *de facto* to hold an election was well recognized.

The report was vigorously opposed on the floor of the House. "If I had not thought this was a part and parcel of a grand gigantic system of executive domination, I would not have raised my voice to-day," said Mr. Voorhees, who may be accepted as a type of the ultra-Democrats. He reiterated the complaint that President Lincoln had usurped judicial power by suspending the writ of *habeas corpus*, and charged that he had usurped legislative powers by calling this election. The authority for holding it did not emanate from the governor of the state or from Congress, but from the President, a federal office-holder. Mr. Voorhees further objected that the proclamation of September 22, 1862, and the citation of it in the call for this election constituted a menace to the voters.<sup>1</sup>

It was argued by Mr. Porter, an Indiana Republican, that the federal guarantee related to the states in connection with their state functions merely. It was the duty of the United States to "remove

<sup>1</sup>On January 1, 1863, "all persons held as slaves within any state or designated part of a state, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free. . . . The Executive will on the first day of January aforesaid, by proclamation, designate the states and parts of states, if any, in which the people thereof respectively, shall then be in rebellion against the United States; and the fact that any state or the people thereof shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such state shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such state, and the people thereof, are not in rebellion against the United States." Proclamation of President Lincoln, September 22, 1862. In some of the calls in which this proclamation was cited, military officers went so far as to make participation in the election a test of personal loyalty. Cf. proclamation of General Viele in the second district of Virginia. Case of McLeod and Wing, *House Reports*, 37 Cong., 3 sess., p. 23. No important decision hangs on this proclamation.

all impediments" which would prevent the loyal people from "enjoying the benefits of their state constitution." "Possibly to facilitate this it might exert a limited power to set the machinery of state government in motion. . . . But it would be monstrous to maintain that the federal government could appoint all the officers of the state," as in this case. Mr. Bingham, of Ohio, likewise argued that the right of representation could not be exercised "except by sending representatives here through the instrumentality of a state law appointing such election and in full force at the time, or in pursuance of a special law" of Congress. There was no law of Congress applicable to the case. The secessionist state legislature had repealed the old law for the election of federal congressmen. No loyal legislature had re-enacted it, nor were there state officers legally chosen to have enforced it. Mr. Yeamans (Ky., Dem.) moved a substitute resolution that Military Governor Shepley had no authority to call the election, but that inasmuch as the people had acted and expressed an unequivocal choice their chosen representatives should be admitted. This was voted down, eleven yeas to one hundred and fifteen nays, and the original motion passed, ninety-two to forty-four.<sup>1</sup>

The last case decided by this Congress, three days before its dissolution, has an interesting element of romance, and nearly every important ruling of the committee was involved in it and confirmed by the disposition of it. The ninth district of Tennessee was comparatively free from Confederates at the close of 1862 and a spontaneous movement of the loyal citizens resulted in appointing an election on December 13th. Mr. Hawkins was nominated and the machinery of the canvass set in motion. Meanwhile Military Governor Johnson, wishing to aid and ignorant that a date had been set, issued a proclamation appointing the election for December 29th. But his action was not generally known in the district on December 13th, and on that day "many thousand votes" were cast for Hawkins in parts of eight counties out of nine in the district. Perhaps he might have been admitted on the basis of such an election. But he made no effort. Everything was deferred to the presumably more legal election called by the military governor. Before the appointed day came, however, the Confederate General Forrest, learning of the intention to hold an election, made a raid into the district and got control of a considerable part of it. General Hurlbut also approached, with the Union forces, and issued a proclamation further postponing the election until January 5, 1863. But in some places where neither General Forrest's troops nor General Hurlbut's order had

<sup>1</sup>Seventy-four Republicans and eighteen Democrats to twenty Republicans and twenty-four Democrats, six of the Committee of Elections voting yea and two voting nay.

penetrated in time to prevent, an election was held under the governor's proclamation. An unofficial person certified to the returns from one county and a federal general to those from another. Probably some nineteen hundred votes had been cast, nearly all for Mr. Hawkins. Under this election he claimed a seat.

Under the precedents the case was clear against him; there was no legal certification that the election had been conducted at the polls according to law or even that the vote was as claimed; there had been no "legal election." "While, as matter of fact, the House may not doubt that these transactions have taken place," said the committee in their report, "yet it would be most dangerous to take, as legal proof of an election, the papers here presented." So, "in spite of the fact" that no new election could be held and the district must go unrepresented, the committee recommended that the claimant be not admitted; and the House agreed without debate or division. The treatment accorded by the House to Mr. Bridges, of Tennessee, just three days before, and the remarks made on the floor, preclude the inference that the House was indifferent in view of its approaching dissolution.

Thus ten representatives (not including Mr. Upton who was unseated) from nine districts, in three states belonging to the Confederacy, sat in the lower house of the Thirty-seventh Congress, and three senators (one holding over) from two states, sat in the upper house. The House of Representatives recognized the action of the Unionists, district by district. The Senate (and indeed the House, the President and the judiciary) recognized the *de facto* government of Virginia located at Wheeling and loyal to the national government.

FREDERICK W. MOORE.

NOTE.

Applications for Admission to the National Senate and House of Representatives from the seceding states, during the Thirty-seventh Congress, 1861-1863.

The border states—Delaware, Maryland, Kentucky and Missouri—are omitted from the list and are not considered in the main article, since the contests from them involved, in the main, a very different set of considerations.

Senate, Thirty-seventh Congress, First Session, July 4, 1861.

Andrew Johnson, of Tennessee, held over and resigned to become military governor of Tennessee, a position to which he was appointed March 3, 1861, *Cong. Globe*, 37 Cong., 1 sess., p. 1.

J. S. Carlile and Waitman T. Willey, of Virginia, were chosen by



the Wheeling legislature, July 9, 1861, to succeed Senators Hunter and Mason, expelled; and they were sworn in July 13th. *Cong. Globe*, 37 Cong., 1 sess., pp. 103, 109.

House of Representatives, Thirty-seventh Congress, First Session, July 4, 1861.

Messrs. Chas. H. Upton, W. G. Brown, John S. Carlile and K. V. Whaley, from the 7th, 10th, 11th and 12th districts of Virginia, were sworn in July 4, 1861. A Mr. E. H. Pendleton, from another district of the same state, was mentioned in a motion to refer (which was lost); but it does not appear that he ever appeared in person. Charles H. Upton's case was referred to the Committee of Elections, July 8, 1861. *Cong. Globe*, 37 Cong., 1 sess., pp. 3-24, *passim*.

Second Session, Dec. 2, 1861.

J. B. Blair took the seat made vacant by the resignation of J. S. Carlile, Dec. 3, 1861. *Cong. Globe*, 37 Cong., 2 sess., p. 3.

Horace Maynard, from the second district of Tennessee, was admitted without reference and sworn in Dec. 2, 1861. *Cong. Globe*, 37 Cong., 2 sess., p. 2.

A. J. Clements, from the fourth district of Tennessee, was admitted Jan. 13, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 6, 7, 297; *Cont. Elec.* (i. e., *Cases of Contested Elections to Congress from 1834 to 1865 inclusive*, 38 Cong., 2 sess., House Misc., No. 12), p. 366; House Reports, 37 Cong., 2 sess., No. 9.

Joseph Segar, from the first district of Virginia, was refused a seat, Feb. 11, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 398, 727ff., 759; *Cont. Elec.*, pp. 426ff.; *House Reports*, 37 Cong., 2 sess., No. 12.

Charles H. Upton, from the seventh district of Virginia, was refused a seat, Feb. 27, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 975-1010, *passim*; *Cont. Elec.*, pp. 368ff.; *House Reports*, 37 Cong., 2 sess., No. 17.

S. F. Beach, from the seventh district of Virginia, was refused a seat, March 31, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 32, 435, 1040, 1452; *Cont. Elec.*, pp. 415ff.; *House Reports*, 37 Cong., 2 sess., No. 42.

Joseph Segar, from the first district of Virginia, was seated May 6, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 1339, 1856, 1971; *Cont. Elec.*, pp. 415ff.; *House Reports*, 37 Cong., 2 sess., No. 70.

Charles H. Foster, from the first and second districts of North Carolina. On July 13, 1861, Mr. Foster presented his claims to represent the first district of North Carolina and the case was referred to the committee. On December 2d, following, he presented his claims to represent the second district of the same state and likewise referred to the committee. On December 18th, the committee reported that Mr. Foster was not entitled to a seat, "either from the first or from the second district of North Carolina." In presenting the report, Mr. Dawes stated that the committee had "pursued the investigation of this claim so far as



to be entirely satisfied that it is founded in imposition." Again on March 6, 1862, Mr. Foster filed anew his claims to represent the second district, basing them on an alleged new election. The committee reported adversely and their report was adopted June 23d. The report of the committee contains this statement: "This is the fourth time Mr. Foster has claimed to have been elected a representative to the Thirty-seventh Congress, from the State of North Carolina—twice from the first and twice from the second district." But I cannot find that his credentials were presented formally to the House except on the three occasions cited. Mr. Foster was not a citizen of North Carolina, but a Washington office-holder who went south with the army in a quasi-civil capacity. *Cong. Globe*, 37 Cong., 1 sess., p. 115; 37 Cong., 2 sess., pp. 3, 4, 35, 132, 1103, 2737, 2879; *Cont. Elec.*, p. 424; *House Reports*, 37 Cong., 2 sess., No. 118.

Third Session, December 1, 1862.

B. F. Flanders and Michael Hahn, from the first and second districts of Louisiana respectively, were admitted Feb. 17, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 144, 164, 695, 831ff., 855ff., 888, 1010ff., 1030ff., 1035, 1036; *Cont. Elec.*, pp. 430ff.; *House Reports*, 37 Cong., 3 sess., No. 22.

McLeod and Wing, from the second district of Virginia. W. W. Wing contested the right of John B. McLeod to represent this district. Both were refused seats, February 14, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 716, 962; *Cont. Elec.*, p. 465; *House Reports*, 37 Cong., 3 sess., No. 23. (McLeod or McLoud or Cloud.)

John B. Rodgers, from Tennessee. The secession government of Tennessee redistricted the state and called an election for the choice of Confederate congressmen. At this election the Union men of one district, comprising in part the counties represented by Mr. Clements, voted for Mr. Rodgers. He was refused a seat, February 14, 1863. *Cong. Globe*, 37 Cong., 3 sess., p. 963; *Cont. Elec.*, p. 462; *House Reports*, 37 Cong., 3 sess., No. 32.

Lewis McKenzie, from the seventh district of Virginia, was refused a seat, February 17, 1863. *Cong. Globe*, 37 Cong., 3 sess., p. 1036; *Cont. Elec.*, p. 460; *House Reports*, 37 Cong., 3 sess., No. 33.

Jennings Pigott, from the second district of North Carolina, was refused a seat, February 23, 1863. *Cong. Globe*, 37 Cong., 3 sess., p. 1208ff.; *Cont. Elec.*, p. 463; *House Reports*, 37 Cong., 3 sess., No. 41.

George W. Bridges, from the third district of Tennessee, was admitted and sworn in, February 25, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 1295, 1296.

Christopher L. Grafflin, from the eighth district of Virginia, was refused a seat, March 3, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 1540, 1547; *Cont. Elec.*, p. 464; *House Reports*, 37 Cong., 2 sess., No. 43.

Alvin Hawkins, from the ninth district of Tennessee, was refused a seat, March 3, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 887, 1540, 1547; *Cont. Elec.*, p. 466; *House Reports*, 37 Cong., 3 sess., No. 33.

## DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

### *1. Letters of John Marshall when Envoy to France, 1797, 1798.*

The following three letters were written by John Marshall to General Washington during the time when Marshall was in Europe upon the "X Y Z Mission." It has been thought that historical readers would be interested in observing the impression which the Europe of 1797 and 1798 made upon such a mind as that of Marshall. The text of these letters, derived first from the transcripts among the Sparks papers in the Library of Harvard University, has been carefully compared with that of the original letters among the Washington papers in the Library of the Department of State. For this kind service the thanks of the managing editor are presented to Mr. S. M. Hamilton of that library. In Washington's *Writings*, ed. Ford, XIII., 432-436, will be found, under date of December 4, 1797, a letter of General Washington's in reply to the first of the three following communications.

I.

THE HAGUE 15<sup>th</sup> Sept<sup>r</sup> 1797

*Dear Sir*

The flattering evidences I have receiv'd of your favorable opinion, which have made on my mind an impression only to wear out with my being, added to a conviction that you must yet feel a deep interest in all that concerns a country to whose service you have devoted so large a portion of your life, induce me to offer you such occasional communications as, while in Europe I may be enabled to make, and induce a hope too that the offer will not be deemed an unacceptable or unwelcome intrusion.

Until our arrival in Holland we saw only British and neutral vessels. This added to the blockade of the Dutch fleet the Texel, of the French fleet in Brest and of the Spanish fleet in Cadiz manifests the entire dominion which one nation at present possesses over the seas. By the ships of war which met us we were three times visited and the conduct of those who came on board was such as would proceed from general orders to pursue a system calculated to conciliate America. Whether this be occasion'd

by a sense of justice and the obligations of good faith, or solely by the hope that the perfect contrast which it exhibits to the conduct of France may excite keener sensations at that conduct, its effects on our commerce are the same.

The situation of Holland is truly interesting. Tho the face of the country still exhibits a degree of wealth and population perhaps unequaled in any other part of Europe, its decline is visible. The great city of Amsterdam is in a state of blockade. More than two thirds of its shipping ly unemployed in port. Other seaports suffer tho not in so great a degree. In the meantime the requisitions made upon them are enormous. They have just completed the payment of 100,000,000 of florins (equal to 40,000,000 of dollars) stipulated by treaty, they have sunk, on the first entrance of the French a very considerable sum in assignats; they made large contributions in specifics; and they pay feed and cloath an army estimated, as I am informed, at near three times its real number. It is suppos'd that France has by various means drawn from Holland about 60,000,000 of dollars. This has been paid, in addition to the national expenditures, by a population of less than 2000,000. Nor, shou'd the war continue, can the contributions of Holland stop here. The increasing exigencies of France must inevitably increase her demands on those within her reach.—Not even peace can place Holland in her former situation. Antwerp will draw from Amsterdam a large portion of that commerce which is the great source of its wealth; for Antwerp possesses, in the existing state of things, advantages which not even weight of capital can entirely surmount. The political divisions of this country, and its uncertainty concerning its future destiny must also have their operation. Independent of the grand division between those for and against the Stadtholder; between those who favor an indivisible and those who favor a federal republic, there is much contrariety of opinion concerning the essential principles of that indivisible consolidated republic which the influence of France imposes on the nation. A constitution which I have not read, but which is stated to me to have contain'd all the great fundamentals of a representative government, and which has been prepar'd with infinite labor, and has experienc'd an uncommon length of discussion was rejected in the primary assemblies by a majority of nearly five to one of those who voted. The objections do not accompany the decision, but they are said to be to the duration of the constitution which was to remain five years unaltered, to the division of the legislature into two chambers, and to its power of definitive legislation. The substitute wish'd for, by its opponents, is a legislature with a single branch having power only to initiate laws which are to derive their force from the sanction of the primary assemblies. I do not know how they would organize their executive, nor is it material how they would organize it. A constitution with such a legislature would live too short a time to make it worth the while to examine the structure of its other parts. It is remarkable that the very men who have rejected the form of government propos'd to them have reelected a great majority of the persons who pre-

pared it and who will probably make from it no essential departure. Those elected are now assembled in convention at this place, but we know not in what manner they are proceeding. It is also worthy of notice that more than two thirds of those entitled to suffrage including perhaps more than four fifths of the property of the nation, and who wish'd, as I am told, the adoption of the constitution withheld their votes on this very interesting question. Many were restrained by an unwillingness to take the oath required before a vote cou'd be receiv'd; Many, disgusted with the present state of things, have come to the unwise determination of revenging themselves on those whom they charge with having occasion'd it by taking no part whatever in the politics of their country, and many seem to be indifferent to every consideration not immediately connected with their particular employments.

The political opinions which have produc'd the rejection of the constitution, and which, as it wou'd seem, can only be entertain'd by intemperate and ill inform'd minds, unaccustom'd to a union of the theory and practice of liberty, must be associated with a general system which if brought into action will produce the same excesses here which have been so justly deplor'd in France. The same materials exist tho not in so great a degree. They have their clubs, they have a numerous poor and they have enormous wealth in the hands of a minority of the nation. On my remarking this to a very rich and intelligent merchant of Amsterdam and observing that if one class of men withdrew itself from public duties and offices it would immediately be succeeded by another which wou'd acquire a degree of power and influence that might be exercis'd to the destruction of those who had retir'd from society, he replied that the remark was just, but that they relied on France for a protection from those evils which she had herself experienced. That france wou'd continue to require great supplies from Holland and knew its situation too well to permit it to become the prey of anarchy. That Holland was an artificial country acquir'd by persevering industry and which cou'd only be preserved by wealth and order. That confusion and anarchy wou'd banish a large portion of that wealth, wou'd dry up its sources and wou'd entirely disable them from giving France that pecuniary aid she so much needed. That under this impression very many who, tho friends to the revolution, saw with infinite mortification french troops garrison the towns of Holland, wou'd now see their departure with equal regret. Thus they willingly relinquish national independence for individual safety. What a lesson to those who wou'd admit foreign influence into the United States!

You have observ'd the storm which has been long gathering in Paris. The thunderbolt has at length been launch'd at the heads of the leading members of the legislature, and has, it is greatly to be fear'd, involv'd in one common ruin with them, the constitution and liberties of their country.

The inclos'd papers will furnish some idea of a transaction which may be very interesting to America as well as to France. Complete and

impartial details concerning it will not easily be obtain'd, as the press is no longer free. The journalists who had ventur'd to censure the proceedings of a majority of the directory are seiz'd, and against about forty of them a sentence of transportation is pronounced. The press is plac'd under the superintendence of a police appointed by and dependent on the executive. It is suppos'd that all private letters have been seiz'd for inspection.

From some Paris papers it appears, that on the first alarm several members of the legislature attempted to assemble in their proper halls which they found clos'd and guarded by an arm'd force. Sixty or seventy assembled at another place and began to remonstrate against the violence offer'd against their body but fear soon dispersed them. To destroy the possibility of a rallying point the municipal administrations of Paris and the central administration of the Seine were immediately suspended and forbidden by an *arrêté* of the *directoire*, to assemble themselves together. Many of the administrators of the departments through France elected by the people, had been previously removed and their places filled by persons chosen by the directory. Moreau who commanded the army of the Sambre and the Meuse by which he was deservedly belov'd and who was consider'd as attach'd to the fallen party was, as is reported, invited from his army to Paris under the pretext of a personal consultation. We have not heard of his arrival or of his fate. The command of his army during his absence did not, we learn, devolve on the oldest officer but was given to Gen<sup>l</sup> Hoche who also commands the army of the in [*mutilated*] Carnot is at one time said to have been kill'd in defending himself from some soldiers who pursued and attempted to take him, at another time he is said to have effected his escape. The fragment of the legislature convok'd by the directory at L' Odeon and L'ecole de santé, hasten'd to repeal the law for organizing the national guards, and authoriz'd the directory to introduce into Paris as many troops as should be judged necessary. The same day the liberty of the press was abolish'd by a line, property taken away by another and personal security destroy'd by a sentence of transportation against men unheard and untried. All this is stiled the triumph of liberty and of the constitution.

To give a satisfactory statement of the origin and progress of the contest between the executive and legislative departments would require more time than could be devoted to the subject, did I even possess the requisite information, and to you, Sir, it would be unnecessary because I have no doubt of your having receiv'd it through other channels. I shall briefly observe that the controversy has embrac'd a variety of interesting subjects. Since the election of the new third, there were found in both branches of the legislature a majority in favor of moderate measures, and, apparently, wishing sincerely for peace. They have manifested a disposition which threaten'd a condemnation of the conduct of the directory towards America, a scrutiny into the transactions of Italy, particularly those respecting Venice and Genoa, an inquiry into the dis-



position of public money and such a regular arrangement of the finances as would prevent in future those dilapidations which are suspected to have grown out of their disorder.

They have sought too by their laws to ameliorate the situation of those whom terror had driven out of France, and of those priests who had committed no offense. Carnot and Barthélemy two of the directory were with the legislature.

The cry of a conspiracy to reestablish royalism was immediately raised against them. An envoy was despatched to the army of Italy to sound its disposition. It was represented that the legislature was hostile to the armies, that it withheld their pay and subsistence, that by its opposition to the directory it encouraged Austria and Britain to reject the terms of peace which were offered by France, and which but for that opposition would have been accepted, and finally that it had engaged in a conspiracy for the destruction of the constitution and the republic and for the restoration of royalty. At a feast given to the armies of Italy to commemorate their fellow soldiers who had fallen in that country the generals addressed to them their complaints, plainly spoke of marching to Paris to support the directory against the Council and received from them addresses manifesting the willingness of the soldiers to follow them. The armies also addressed the directory and each other, and addresses were despatched to different departments. The directory answered them by the strongest criminations of the legislature. Similar proceedings were had in the army of the interior commanded by Genl Hoche. Detachments were moved within the limits prohibited by the constitution, some of which declared they were marching to Paris to bring the legislature to reason. Alarmed by those movements the council of five hundred called on the directory for an account of them. The movement of the troops within the constitutional circle was attributed to accident and the discontents of the army to the faults committed by the legislature who were plainly criminated as conspirators against the army and the republic. This message was taken up by Tronçon in the council of ancients and by Thibideau in the council of five hundred. I hope you have seen their speeches. They are able, and seem to me to have entirely exculpated the legislature. In the meantime the directory employed itself in the removal of the administrators of many of the departments and cantons and replacing those whom the people had elected by others in whom it could confide, and in the removal generally of such officers both civil and military as could be trusted to make room for others on whom it could rely. The legislature on its part, passed several laws to enforce the constitutional restrictions on the armies and endeavored to organize the national guards. On this latter subject especially Pichegru great and virtuous I believe in the cabinet as in the field, was indefatigable. We understand that the day before the law for their organization would have been carried into execution the decisive blow was struck.

To support the general charge of a conspiracy in favor of royalty I know of no particular facts alleged against the arrested members except



Pichegru and two or three others. An abridgment of the paper constituting the whole charge against Pichegru will be found in the inclos'd supplement. I have seen the paper at full length. The story at large is still more improbable than its abridgment because Pichegru is made in the first moment of conversation to unbosom himself entirely to a perfect stranger who had only told him that he came from the Prince of Condé and could not exhibit a single line or testimonial of any sort to prove that he had ever seen the Prince or that he was not a spy employ'd by some of the enemies of the General.

This story is repelled by Pichegru's character which has never been defil'd. Great as were the means he possess'd of personal aggrandizement he returned clean handed from the army without adding a shilling to his private fortune. It is repel'd by his resigning the supreme command, by his numerous victories subsequent to the alleg'd treason, by its own extreme absurdity and by the fear which his accusers show of bringing him to trial according to the constitution even before a tribunal they can influence and overawe, or of even permitting him to be heard before that prostrate body which is still term'd the legislature and which in defiance of the constitution has pronounc'd judgment on him. Yet this improbable and unsupported tale seems to be received as an establish'd truth by those who, the day before his fall bow'd to him as an idol. I am mortified as a man to learn that even his old army which conquered under him, which ador'd him, which partook of his fame and had heretofore not join'd their brethren in accusing the legislature, now unite in bestowing on him the heaviest execrations and do not hesitate to pronounce him a traitor of the deepest dye.

Whether this conspiracy be real or not the wounds inflicted on the constitution by the three directors seem to me to be mortal. In opposition to the express regulations of the constitution the armies have deliberated, the result of their deliberations addressed to the directory has been favorably receiv'd, and the legislature since the revolution has super-added its thanks. Troops have been march'd within those limits which by the constitution they are forbidden to enter but on the request of the legislature.

The directory is forbidden to arrest a member of the legislature unless in the very commission of a criminal act and then he can only be tried by the high court, on which occasion forms calculated to protect his person from violence or the prejudice of the moment are carefully prescribed. Yet it has seiz'd by a military force about fifty leading members not taken in a criminal act and has not pursued a single step mark'd out by the constitution.

The councils can inflict no penalty on their own members other than reprimand, arrest for eight and imprisonment for three days. Yet they have banished to such place as the directory shall choose a large portion of their body without the poor formality of hearing a defence.

The legislature shall not exercise any judiciary power or pass any retrospective law. Yet it has pronounc'd this heavy judgment on others as

well as its own members and has taken from individuals property which the law had vested in them.

The members of the directory are personally secur'd by the same rules with those of the legislature. Yet three directors have deprived two of their places, the legislature has thus banished (them) without a hearing and has proceeded to fill up the alledg'd vacancies. Merlin late minister of justice and François de Neufchatel have been elected.

The constitution forbids the house of any man to be enter'd in the night. The orders of the constituted authorities can only be executed in the day. Yet many of the members were seized in their beds.

Indeed Sir the constitution has been violated in so many instances that it would require a pamphlet to detail them. The detail would be unnecessary for the great principle seems to be introduc'd that the government is to be administer'd according to the will of the armies and not according to the will of the nation.

Necessity, the never to be worn out apology for violence, is alledg'd—but could that necessity go further than to secure the persons of the conspirators? Did it extend to the banishment of the printers to the slavery of the press? If such a necessity did exist it was created by the disposition of the people at large, and it is a truth which requires no demonstration that if a republican form of government cannot be administered by the general will, it cannot be administered against that will by an army.

After all the result may not be what is apprehended. France possesses such enormous power, such a vast population that she may possibly spare another million and preserve or reacquire her liberty. Or, the form of the Government being preserv'd, the independence of the legislature may be gradually recover'd.

With their form of Government or revolutions we have certainly no right to intermeddle, but my regrets at the present state of things are increased by an apprehension that the rights of our country will not be deemed so sacred under the existing system, as they would have been had the legislature preserved its legitimate authority.

Genl Pinckney (with whom I cannot but be very much pleas'd) [and I] have waited impatiently for M<sup>r</sup> Gerry and shall wait until Monday the 18<sup>th</sup> inst. On that day we set out for Paris.

The negotiations with Austria and Britain are still pending and are of very uncertain issue.

This letter has extended itself to an unexpected length. I have fatigued you, Sir and will only add that I remain

with sincere and respectful attachment

Your Obed<sup>t</sup> Serv<sup>t</sup>

J MARSHALL.

I just now learn that fifteen hundred persons have been arrested at Lyons. That resistance is made at Avignon and that Massina is marching to quell it.

II.

PARIS October 24<sup>th</sup>, 1797

*Dear Sir*

I did myself the honor of addressing to you from the Hague by Cap<sup>t</sup> Izzard, a very long letter which I hope you have receiv'd. The offer therein made of occasionally communicating to you my observations on the great and interesting events of Europe was not even entitled to the small value which in my own mind I had bestow'd upon it. Causes which I am persuaded you have anticipated, forbid me to allow myself that free range of thought and expression which could alone apologize for the intrusive character my letters bear. Having however offer'd what I cannot furnish, I go on to substitute something else perhaps not worth receiving.

You have heard it said in the United States that the agriculture of France has in the course of the present war been considerably improv'd. On this subject I am persuaded there has been no exaggeration. In that part of the country through which I have pass'd the evidences of plenty abound. The whole earth appears to be in cultivation and the harvests of the present year appear to be as productive as the fields which yield them are extensive. I am inform'd that every part of the country exhibits the same aspect. If this be a fact, there will probably remain, notwithstanding the demands of the armies, a surplus of provisions. Manufactures have declined in the same ratio that the cultivation of the soil has increas'd. War has been made upon the great manufacturing towns and they are in a considerable degree destroy'd. With manufactures France does not supply herself fully from her internal resources. Those of Britain flow in upon her notwithstanding the most severe prohibitory laws. The port of Rotterdam is purposely left open by the English and their goods are imported by the Dutch under Prussian and other neutral colors. They are smuggled in great quantities into France. Peace then will find this nation entirely competent to the full supply of her colonies with provisions and needing manufactures to be imported for her own consumption. This state of things will probably change; but it is unquestionably the state of things which will exist at, and for some time after, the termination of the present war. France can take from America tobacco and raw cotton, she can supply us with wines, brandies and silks.

The papers which I transmitted to you contain'd the evidence on which were founded the transactions of the 18<sup>th</sup> fructidor or 4<sup>th</sup> of September. Since then a letter has been published bearing the signature of Gen<sup>l</sup> Moreau and produced as an unequivocal testimonial of the treason alledg'd to have existed. You will have seen the letter and have made upon it your own comments, but you will be astonish'd to hear that perhaps a majority of the people do not believe that Moreau ever wrote it.

The existing political state of France is connected with certain internal and powerfully operating causes by which it has been and will

continued to be greatly influenc'd. Not the least of these is the tenure by which property is held.

In the course of the revolution it is believ'd that more than half of the land of France has become national. Of this a very considerable proportion has been sold at a low rate. It is true that much of this property formerly belong'd to the church, but it is also true that much of it belong'd to those who have fallen under the Guillotine or have been termed emigrants. Among the emigrants are many whose attachment to their country has never been shaken; and what is remarkable, among them are many who were never out of France. The law upon this subject is worthy of attention. Any two persons no matter what their reputation, may, to some authority, I believed the municipality of the district, write and subscribe against any person whatever a charge, that such person is an emigrant, on receipt of which the person so charged is without further investigation inscribed on the list of emigrants. If the person so inscribed be afterwards apprehended while his name remains on the list; the trial, as I understand, is, not of the fact of emigration, but of the identity of the person, and if this identity be established, he is instantly fusilleed. This law is either rigidly executed or permitted to be relax'd, as the occasion or the temper of the times may direct.

During intervals of humanity some disposition has been manifested to permit the return of those who have never offended, who have been banished by a terror which the government itself has reprobated, and to permit in cases of arrestation, an investigation of the fact of emigration as well as of the identity of the person accused.

There is too a great deal of property which has been sold as national but which in truth was never so, and which may be reclaimed by the original proprietors.

In this state of things the acquirers of national property are of course extremely suspicious. They form a vast proportion of the population of France. They are not only important in consequence of their numbers, but in consequence of their vigor, their activity and that unity of interest which produces a unity of effort among them. The armies too have been promis'd a milliard. This promise rests upon the national property for its performance. The effect of these circumstances cannot escape your observation. Classes of citizens are to be disfranchis'd against the next elections.

Our ministers have not yet, nor do they seem to think it certain that that they will be, receiv'd. Indeed they make arrangements which denote an expectation of returning to America immediately. The captures of our vessels seem to be only limited by the ability to capture. That ability is increasing, as the government has let out to hardy adventurers the national frigates. Among those who plunder us, who are most active in this infamous business, and most loud in vociferating criminations equally absurd and untrue, are some unprincipled apostates who were born in America. These sea rovers by a variety of means seem to have acquir'd great influence in the government. This influence will be ex-

erted to prevent an accommodation between the United States and France and to prevent any regulations which may intercept the passage of the spoils they have made on our commerce, to their pockets. The government I believe is but too well disposed to promote their views. At present it seems to me to be radically hostile to our country. I could wish to form a contrary opinion, but to do so I must shut my eyes on every object which presents itself to them, and fabricate in my own mind non existing things, to be substituted for realities, and to form the basis of my creed. Might I be permitted to hazard an opinion it would be that the Atlantic only can save us, and that no consideration will be sufficiently powerful to check the extremities to which the temper of this government will carry it, but an apprehension that we may be thrown into the arms of Britain.

The negotiations with the Emperor are said not to have been absolutely broken off. Yesterday it was said that peace with him was certain. Several couriers have arriv'd lately from Buonaparte and the national debt rose yesterday from seven to ten livres in the hundred. Whether this is founded on a real expectation of peace with Austria or is the mere work of stockjobbers is not for me to decide. We are told that Mantua is no longer the obstacle to peace, that it is surrendered by the Emperor and that the contest now is for Istria and Dalmatia.

OCTOBER 27<sup>th</sup>.

The definitive peace is made with the Emperor. You will have seen the conditions. Venice has experienced the fate of Poland. England is threatened with an invasion.

III.

PARIS March 8<sup>th</sup> 1798

*Dear Sir*

Before this reaches you it will be known universally in America, that scarcely a hope remains of accommodating on principles consistent with justice, or even with the independence of our country, the differences subsisting between France and the United States. Our ministers are not yet, and it is known to all that they will not be, recogniz'd without a previous stipulation on their part, that they will accede to the demands of France. It is as well known that those demands are for money—to be used in the prosecution of the present war. It was, some little time past expected, that, convinc'd of the impracticability of effecting the objects of their mission, our ministers were about to demand their passports and to return to the United States;—but this determination if ever made is, I am persuaded, suspended if not entirely relinquish'd. The report has been that so soon as it shall be known that they will not add a loan to the mass of American property already in the hands of this government, they will be order'd out of France and a nominal as well as actual war will be commenc'd against the United States. My opinion

has always been that this depends on the state of the war with England. To that object the public attention is very much turn'd, and it is perhaps justly believed that on its issue is staked the independence of Europe and America. The preparations for an invasion are immense. A numerous and veteran army lines the coast, and it is said confidently that if the landing of 50,000 men can be effected, no force in England will be able to resist them. The often repeated tale that the war is made not against the people but the government, maintains, in spite of experience some portion of its credit, and it is believ'd here that a formidable and organiz'd party exists in Britain ready, so soon as a landing shall be effected, to rise and demand a reform. It is supposed that England revolutioniz'd under the protection of a french army will be precisely in the situation of the batavian and Cisalpine Republics and that its wealth, its commerce, and its fleets will be at the disposition of this government. In the meantime this expedition is not without its hazards. An army which arriving safe woud sink England may itself be encountered and sunk in the channel. The effect of such a disaster on a nation already tir'd of the war and groaning under the pressure of an enormous taxation, which might discern in it the seeds of another coalition, and which perhaps may not be universally attach'd to existing arrangements, might be extremely serious to those who hold the reins of government.

It is therefore believed by many who do not want intelligence that these formidable military preparations cover and favor secret negotiations for peace. It is rumord (but this is mere rumor) that propositions have been made to England to cede to her the possessions of Portugal in America, in consideration of her restoring the conquests she has made on France Spain and Holland and of her consent that Portugal in Europe shall be annexed to the spanish monarchy. This report is derived from no source in any degree to be relied on, and is supported by no circumstance rendering it in any degree probable other than the existing disposition for partitioning and disposing of empires. I am however persuaded that some secret negotiation with England is now on the tapis. I know almost certainly that a person high in the confidence of this government, who is frequently employed in unofficial negotiations has passed over into that island. We can only conjecture his objects.

You probably know that the affairs of Rastadt are substantially decided. The Emperor and the King of Prussia have declard themselves in favor of ceding to France the whole territory on the left of the rhine on the principle of compensation in the interior of Germany. This would seem to me to take from England the hope of once more arming Austria and Prussia in her favor, for certainly had those powers contemplated such an event they woud not have effected the pacification of the empire. This circumstance will probably influence the secret negotiations with England. It will probably too very much influence the affairs of Swisserland. The determination of France to revolutionize the helvetic body has been long known. In the pais de vaud belonging to the Canton of Berne this revolution has commenced and is completely ef-



fectured under the protection and guidance of a french army for which that little country has already paid about 800,000 livres Swiss. France has insisted on extending the revolution throughout Switzerland. The existing governments in some of the cantons and especially in Bern declare their willingness to reorganize their constitution on the base of an equality of rights and a free representation, but they protest against foreign interposition and against a revolutionary intermediate government. In support of this resolution they have collected all their force and most of the cantons which have already changed their form of government have furnished their contingents. The mass of the people in Bern are firmly united and seem to join the government in saying that they will to the last man bury themselves under the ruins of their country rather than submit to the intermeddling of foreigners in the formation of their constitutions. Such is the present truly interesting state of Switzerland. A powerful military force is advancing upon them and at the same time it is said that the negotiations are to be opened. The terms offered however are supposed to be such as if accepted will place that country in the same situation as if conquered. A revolutionary government is insisted on.

The Swiss have observed an exact neutrality throughout the late war on the continent and have even since the peace sought to preserve the forbearance of France by concessions not perfectly compatible with the rights of an independent nation.

On the side of Italy it is believed that materials are preparing to revolutionize Sardinia and Naples.

Some jealousies exist with respect to Spain. Augereau has been ordered some time since to Perpignan a position from which he may with advantage overawe that monarchy, invade Portugal or preserve order in the south during the ensuing elections. It is the common opinion that should the elections in any respect disappoint the wishes of the directory it will be on the side of Jacobinism. The existing government appears to me to need only money to enable it to effect all its objects. A numerous brave and well disciplined army seems to be devoted to it. The most military and the most powerful nation on earth is entirely at its disposal. Spain Italy and Holland with the Hanseatic towns obey its mandates. Yet there is a difficulty in procuring funds to work this vast machine. Credit being annihilated the actual impositions of the year must equal the disbursements. The consequence is that notwithstanding the enormous contributions made by foreign nations France is overwhelmed with taxes. The proprietor complains that his estate yields him nothing. Real property pays in taxes nearly a third of its produce and is greatly reduced in its price. The patriotic gifts for the invasion of England to which men have been stimulated by all possible means have not exceeded by the highest calculation 100,000 livres. This is the amount stated by a person who charges the officers of the treasury with peculation. The treasury admits 65,000 livres. It is supposed that recourse will be had to a forced loan and that the neighbors of the republic will be required to

contribute still further to its wants. A very heavy beginning has been made with Rome.

March 10<sup>th</sup>.

The papers announce that the troops of France and Switzerland have had some severe encounters in which those of the latter have been worsted and the French have entered Fribourg and Soluere. Report (which as yet wants confirmation and indeed is disbelieved) also says that Berne has submitted.

2. *Letters of Richard Cobden to Charles Sumner, 1862-1865.*

For the following letters the REVIEW is indebted to Hon. Edward L. Pierce, the biographer of Sumner. Extracts from some of them have been printed in Morley's *Life of Cobden*. Of the preceding letters of Cobden to Sumner, during the earliest period of the Civil War, sufficient extracts will be found either in Morley's *Cobden* or in Mr. Rhodes' *History of the United States*, Vol. III.

I.

*Private.*

LONDON, 11 July, 1862.

My dear Sumner

It is a long time since I wrote to you. Indeed to confess the truth it a painful task for me to keep up my correspondence with my American friends. But I have not been a less anxious observer of the events which have passed on your side. I shall now best serve the interests of humanity by telling you frankly the state and progress of opinion here. There is an all but unanimous belief that you *cannot* subject the South to the Union. Even they who are your partisans and advocates cannot see their way to any such issue. It is necessary that you should understand that this opinion is so widely and honestly entertained, because it is the key to the expression of views which might otherwise not be quite intelligible. Among some of the governing class in Europe the wish is father to this thought. But it is not so with the mass of the people. Nor is it so with our own government entirely. I *know* that Gladstone would restore your Union to-morrow if he could, and yet he has steadily maintained from the first that unless there was a strong Union sentiment it is impossible that the South can be subdued. *Now* the belief is all but universal that there is no Union feeling in the South and this is founded latterly upon the fact that no cotton comes from New Orleans. It is said that if the instincts of gain, with cotton at double its usual price, do not induce the people to sell, it is a proof beyond dispute that the political resentment is overwhelming and unconquerable.

I have precisely the same views with regard to a European intervention that I had last winter when I wrote you. The action of the govern-

ment has been put off, by two or three considerations, to the present time. It has been thought proper to wait the result of your spring campaign. Then there was a large stock of cotton in the hands of *rich* spinners and merchants and they were interested in keeping out cotton. Moreover we had great merchants who had over-specified in cotton goods which were shipped to India and China and they were glad of a rise in the raw material which enabled them to get out of their stocks. But all these motives for forbearance are now at an end. The merchants, manufacturers, spinners and operatives are all on the same footing, and they are all anxious to obtain raw cotton, and they will be all equally pressing on our government the necessity of "doing something." What that "something" is to be is more than I can pretend to say. I am of course as strongly convinced as ever that nothing but harm can possibly be done by interference of any kind. But where the welfare and the lives of millions of persons are at stake you cannot present the alternative of a greater possible evil to deter a government from attempting to remedy so vast a present danger. I feel quite convinced that unless cotton comes in considerable quantity before the end of the year the governments of Europe will be knocking at your door. I do not pretend to say what form their representation will take. I expect it will be a joint action on the part of all the governments interested, or rather a joint demonstration, for I do not believe that any violent action will be resorted to or contemplated. But you know what a moral demonstration means, with a vast material force behind it. And such a step would beyond all others encourage the South and tend to decide them against any conclusion, or compromise.

Now are you doing all you possibly can to allow the cotton to come out? I am afraid not. Your *republican party* are *mesquin* and narrow in their commercial policy. You must instruct your military commander at New Orleans to allow the sale or purchase of cotton by foreigners in the interior without asking any questions. When Mr. Thurlow Weed, who won all hearts, was here, he led us to expect that after the Spring campaign was at an end, and the ports should be in the power of the Federals, there would be a supply, and he went so far in conversation as to say that your government had no right to expect the European powers to wait indefinitely for cotton. Now depend on it the world will not wait quietly for six months longer.

Now the course you should take and the only one to avert trouble with Europe is this. To place foreigners on precisely the same footing in the interior, as respects the trade of New Orleans, as that which they occupied before the war. I mean this,—that if an Englishman comes to New Orleans, with a cargo of goods, *other than contraband of war*, and pays duty on them at the Custom house, he should be allowed to exchange those goods for cotton in the interior without any inquiry as to whether he was dealing with rebels or loyalists. And the same rule should apply if he took sovereigns to make his purchase. Unless this rule be applied, the pretended opening of the ports is a delusion. If it be said that this will enable rebels to supply their wants, all I can urge in reply is that you

will play the rebel's game far more effectually by keeping back the cotton than by allowing the South to sell it.

Let me hear your views on this subject. But pray urge your government to act as I advise. Parliament will be prorogued in a few weeks and it is during the recess that all the mischief is generally done in our foreign relations. Write to me Midhurst, Sussex

and believe me yours very truly

R. CORDEN.

II.

ATHENÆUM CLUB

LONDON, 13 Feby., 1863

*Private*

My dear Sumner.

If I have not written to you before it is not because I have been indifferent to what is passing in your midst. I may say sincerely that my thoughts have run almost as much on American as English politics. But I could do you no service, and shrunk from occupying your overtaxed attention even for a moment. My object in now writing is to speak of a matter which has a practical bearing on your affairs.

You know how much alarmed I was from the first lest our government should interpose in your affairs. The disposition of our ruling class, and the necessities of our cotton trade, pointed to some act of intervention and the indifference of the great mass of our population to your struggle, the object of which they did not foresee and understand, would have made intervention easy indeed popular if you had been a weaker naval power. This state of feeling existed up to the announcement of the President's emancipation policy. From that moment our old anti-slavery feeling began to arouse itself, and it has been gathering strength ever since. The great rush of the public to all the public meetings called on the subject shows how wide and deep the sympathy for personal freedom still is in the hearts of our people. I know nothing in my political experience so striking as a display of spontaneous public action as that of the vast gathering at Exeter Hall when without one attraction in the form of a popular orator the vast building, its minor rooms and passages and the streets adjoining were crowded with an enthusiastic audience. That meeting has had a powerful effect on our newspapers and politicians. It has closed the mouths of those who have been advocating the side of the South. And I now write to assure you that any unfriendly act on the part of our government, no matter which of our aristocratic parties is in power, towards your cause is not to be apprehended. If an attempt were made by the government in any way to commit us to the South, a spirit would be instantly aroused which would drive our government from power. This I suppose will be known and felt by the Southern agents in Europe and if communicated to their gov-

ernment must I should think operate as a great discouragement to them. For *I know* that those agents have been incessantly urging in every quarter where they could hope to influence the French and English governments the absolute necessity of *recognition* as a means of putting an end to the war. Recognition of the South, by England, whilst it bases itself on negro slavery, is an impossibility, unless indeed after the Federal government have recognized the Confederates as a nation.

So much for the influence which your emancipation policy has had on the public opinion of England. But judging from the tone of your press in America it does not seem to have gained the support of your masses. About this however I do not feel competent to offer an opinion. Nor, to confess the truth, do I feel much satisfaction in treating of your politics at all. There appears to me great mismanagement I had almost said incapacity in the management of your affairs, and you seem to be hastening towards financial and economical evils in a manner which fills me with apprehension for the future.

When I met Frémont in Paris two years ago just as you commenced this terrible war I remarked to him that the total abolition of slavery in your northern Continent was the only issue which could justify the war to the civilized world. Every symptom seems to point to this result. But at what a price is the negro to be emancipated! I confess that if then I had been the arbiter of his fate I should have refused him freedom at the cost of so much white men's blood and women's tears. I do not however blame the North. The South fired the first shot, and on them righteously falls the malediction that "they who take the sword shall perish by the sword." And it seems unlikely that after all the much despised "nigger," and not the potentates and statesmen of Europe will be the final arbitrator in the great struggle.

Let me have a line from you when your Senatorial duties have ceased on the 4th, and afford you a little leisure.

Believe me,

Yours very truly

R. COBDEN.

III.

ATHENÆUM CLUB, LONDON

2 April, 1863.

*private*

My dear Sumner

On receipt of your letter I communicated privately with Lord Russell, urging him to be more than passive in enforcing the law respecting the building of ships for the Confederate government. I especially referred to the circumstance that it was suspected that some ships pretended to be for the Chinese government were really designed for that of Richmond, and I urged him to furnish Mr. Adams with the names of all the ships building for China and full particulars where they were being built. This Lord Russell tells me he had already done, and

he seems to promise fairly. Our government are perfectly well informed of all that is being done for the Chinese.

Now there are certain things which can be done and others which cannot be done by our government. We are bound to do our best to prevent any ship of war being built for the Confederate government, for a ship of war can only be used or owned legitimately by a government. But with munitions of war the case is different. They are bought and sold by private merchants for the whole world, and it is not in the power of governments to prevent it. Besides your own government have laid down repeatedly the doctrine that it is no part of the duty of governments to interfere with such transactions for which they are not in any way responsible. I was therefore very sorry that Mr. Adams had persisted in raising an objection to these transactions in which by the way the North has been quite as much involved as the South. If you have read the debate in the House on the occasion when Mr. Forster brought up the subject last week, you will see how Sir Roundell Palmer, the Solicitor General, and Mr. Laird the shipbuilder availed themselves of this opening to divert attention from the real question at issue—the building of war-ships to the question of selling munitions of war—in which latter practice it was shown you in the North were the great participants.

You must really keep the public mind right in America on this subject. Do not let it be supposed that you have any grievance against us for selling munitions of war. Confine the question to the building of ships in which I hope we shall bring up a strong feeling on the right side here.

I remain truly yours,

R. COBDEN.

IV.

LONDON 2 May, 1863.

*Private*

My dear Sumner

Though I have no news beyond what you will get from the public channels, yet I think it well to write a few lines on the present aspect of affairs.

I am in no fear whatever of any rupture between the two countries arising out of the blockade or the incendiary language of the politicians or the press on both sides of the Atlantic, though these may help to precipitate matters on another issue. But the fitting out of privateers to prey on your commerce and to render useless your mercantile tonnage is another and more serious matter. Great material interests are at stake, and unless this evil can be put down the most serious results may follow. Now I have reason to know that our government fully appreciates the gravity of this matter. Lord Russell whatever may be the tone of his ill mannered despatches, is sincerely alive to the necessity of putting an end to the equipping of ships of war in our harbors to be used against the Federal government by Confederates. He was *bona fide* in his aim



to prevent the Alabama from leaving, but he was tricked and was angry at the escape of that vessel. It is necessary your government should know all this and I hope public opinion in England will be so alive to the necessity of enforcing the law that there will be no more difficulty in the matter.

If Lord Russell's despatches to Mr. Adams are not very civil he may console himself with the knowledge that the Confederates are still worse treated. You will be amused at one of the intercepted despatches from Mr. Benjamin to Mr. Mason in which the former lectures Lord Russell on his bad manners. This despatch has been presented to Parliament. By the way in Harriet Martineau's "30 Years Peace," the continuation of the Pictorial History of England, she gives an anecdote of a conversation which an English traveller (known to be herself) had with Mr. Webster when the latter complained of the want of manners on the part of the Whig diplomatists which gave an advantage to the Tories over their political rivals in their relations with Foreign Countries. Hoping you are well

I remain very truly yours

R. COBDEN.

V.

MIDHURST, 22 May, 1863.

*Private*

My dear Sumner.

I called on Lord Russell and read every word of your last long indictments against him and Lord Palmerston, to him. He was a little impatient under the treatment, but I got through every word. I did my best to improve on the text in half-an-hours conversation.

Public opinion is recovering its senses. John Bull you know has never before been a neutral when great naval operations have been carried on, and he does not take kindly to the task. But he is becoming gradually reconciled. He also *now* begins to understand that he has acted illegally in applauding those who furnished ships of war to prey on your commerce. *It will not be repeated.* I cannot too often deplore the bungling mismanagement on your side which allowed the two distinct questions of selling munitions of war, and the equipping of privateers to be mixed up together. It has confused the thick wits of our people, and made it difficult for those who were right on this side on the Foreign Enlistment Act to make the public understand the difference between what was and what was not a legal transaction. In fact your Foreign Office played into the hands of our politicians by affording them the means of mystification. If a plain, simple, short and dignified reclamation had been at first made against the fitting out of ships of war, with clear statement of the law, and a brief recital of what your government had done under similar circumstances, to us, it would have been impossible for our government to have resisted it. But when you opened fire on us for not stopping the export of arms and munitions of war, you offered an

easy victory to our lawyers, and gave them an opportunity of escaping in a cloud of dust from the real question at issue.

Mr. Evarts is "the right man in the right place." He is an able international lawyer. Quite a match for any one here in his own special walk. His manners are quiet and impressive. He is mixing very much in our best society and I hear him spoken of with great respect. He seems pleased with his reception.

I have received the volumes you were so good as to send me. The Congressional Globe interests me much. It gives a clear view of your mode of debate. You don't allow cheers, or "oh, oh," or general expressions of assent or opposition. But you allow interruptions, which we do not tolerate, in the way of questions, or interpolated remarks. I confess I like our manner the best. I am much obliged by the valuable volume on your census.

I am always glad to hear from you. Believe me

Yours very truly

R. COBDEN.

VI.

MIDHURST, SUSSEX, 7 Aug., 1863.

*My Dear Sumner.*

In the first place let me thank you for your kindness in forwarding me the "Congressional Globe," and other public documents which have been of very great use to me for reference, and without which I could not have kept myself *au courant* with your politics.

Next, let me congratulate you on the improved state of your prospects. So far as fighting goes, I think you have now little to fear from the Confederates. The danger is from the *politicians*. There are so many in the North hankering after the "flesh-pots of Egypt", that I shall not be surprised at an attempt to compromise with the South, and to take them back "institution" and all! Though I would not have begun the war for the emancipation of negroes, and though I cannot urge its continuance for that object, yet I have always felt that the only result which could justify the war was the manumission of every slave on the Northern Continent of America. To restore the old Union, slavery and all, will be to cover with shame the partisans of the North throughout the world, and justify the opponents of the war everywhere. It would leave the question still to be settled by a similar process of blood by another generation. However, I do not see how this compromise can be accomplished.

You will have had reason to feel but little satisfied with us during the late session. Had our government and parliament taken an enlightened view of the interests of the nation they would have competed with each other in their eagerness to amend our foreign enlistment act, in order to preserve intact so far as depended on us the neutrality code in which we above all nations are so deeply interested. I consider the whole system at an end. Nothing but the experiences of war in which we are bel-

ligerents and you are neutrals will open our eyes to a sense of the new situation in which we shall find ourselves.

Though we have given you such good ground of complaint on account of the Cruisers which have left our ports, yet you must not forget that we have been the only obstacle to what would have been almost a European recognition of the South. Had England joined France they would have been followed by probably every other State of Europe, with the exception of Russia. This is what the Confederate agents have been seeking to accomplish. They have pressed recognition on England and France with persistent energy from the first. I confess that their eagerness for European intervention in some shape has always given me a strong suspicion of their conscious weakness. But considering how much more we have suffered than other people from the blockade, this abstinence on our part from all diplomatic interference is certainly something to our credit, and this I attribute entirely to the honorable attitude assumed by our working population.

You will have observed the great prominence given of late to the Polish question. I do not believe it possible to involve England in a war with Russia for Poland. Nobody here believes in the capacity of the Poles for self-government. They are good fighters, and not very scrupulous as to what flag they fight under, but they are bad citizens. In France, however, there is a strong feeling in their favor by the Army, and the Church—the former from old associations on many a battlefield; the latter from identity of faith. And if Russia were less inaccessible to the French there would probably be an armed intervention. But it is difficult to see how the war is to be carried on if Germany persists in maintaining her neutrality. When you have a leisure ten minutes let me hear from you

and believe me Yours very truly

RIC. COBDEN.

VII.

MIDHURST, 8 Oct. 1863.

*Private*

My dear Sumner

The admiration which I felt for the masterly ability of your speech at the Cooper Institute cannot suppress a certain amount of resistance to it on the score of *policy*. I was I confess rather beset with the feeling of *cui bono?* after reading your powerful indictments against England and France, *together*. It should have been your policy to have kept them asunder. Besides if all we hear be true we are not so bad as our great neighbour. We have done very uncivil things, but never has our Executive been prepared to take part with the French in recognizing the South, or in planting a thorn in your side in Mexico. Again was it politic to array us in hostile attitudes just at the moment when the hopes of the South were mainly founded on the prospect of a rupture between yourselves and Europe? Instead of bringing an indictment jointly

against France and England for their past misdeeds, would it not have been better to have shown in the most favorable colors consistent with truth, the strength of the alliance between the masses in England, led by so much of the intellect and the moral and religious worth of the kingdom, and the Federals, and to have demonstrated the impossibility of the aristocracy, with all their hostility, drawing us into a war with each other. You were I suspect speaking under the impression that the iron-clad rams would be allowed to leave. I was sure, as I told Evarts and Forbes again and again, that those vessels would not be allowed to sail. The fact that they were armoured, turreted, and *beaked*, constituted them armed vessels even under the most lax interpretation of our Enlistment Act.

Your career seems to be again checkered with partial reverses. I suppose this will tend more than ever to draw the Federal authorities towards the employment of the African race in the war. For my part I have always thought that the negroes who are the main cause and object of the war will play an important part in its final operations. In India the Sepoys have always done the chief part in our territorial conquests, although they are a very inferior race physically to the negroes. Whoever heard of a Hindoo offering to fight a picked Englishman in the prize ring? He would hardly have a better chance than a woman. But we have had black men doing this in England. Tom Cribb had to fight a severe battle for the champions belt with the negro Molyneux. If this horrible war for the freedom of the slaves is to go on, I think in the interests of the negroes themselves all over the world it is to be desired that the black man should be found fighting his own battle. To this you will be brought probably against the wish of a majority of the Federals. Don't be tempted to enter on any defense of your course in answer to my bill of exceptions. You can be better employed than in a controversy with me.

Believe me

Yours very truly

R. COBDEN.

VIII.

MIDHURST, 18 Aug., 1864.

*My dear Sumner:*

It is long since we exchanged a letter. I do not know whether I am your debtor in our epistolary ledger. But I at all events have to thank you for the printed papers you have from time to time forwarded me and which I have read with much interest, and heartily congratulate you on every step you have gained in your struggle for human rights and freedom. Whatever may be the fate of the war *your* triumph will be a permanent gain for humanity.

Along with your partisans generally in this country, I am looking with deep and constant solicitude to the progress of your terrible struggle. There is however a constant struggle in my own breast against my paramount abhorrence of war as a means of settling disputes whether between nations or citizens of one country. If it were not for the interest I felt

in the fate of the slaves, and the hardly inferior interest in the removal of that stigma of slavery from your character as a free Christian community, I should turn with horror from the details of your battles, and wish only for peace on any terms. As it is I cannot help asking myself—whether it can be within the designs of a merciful God that even a good work should be accomplished at the cost of so much evil to the world. I have been much disappointed with the result so far of the Virginia campaign. I suppose it has been inevitable. But we were told by those who ought to have been well informed that you were approaching Richmond with three armies any one of which was able to cope with the rebels. Now however we see two of these armies disappear from the scene, and the third held in check by a portion of Lee's army whilst he sends part of his forces to menace you within your own territory and even to threaten your capital. All this of course tends to confirm nine-tenths of our politicians here in their belief that the success of the North is impossible. For my own part having never considered that the issue depended on fighting but on the sapping and mining of the social evil of the South I still look forward with unabated confidence to the triumph of the North.

But I begin to speculate on the effects which the failure of Grant's campaign may have on your politics. Sometimes I speculate on the possibility of your imitating the course which political parties often follow here, and that your Democrats who *appear* to be for peace may come into power and carry out even more successfully than *your* party could do the policy of war and abolition of slavery:—Like Peel in his course on Free trade and Catholic emancipation they would have the advantage of being sure of the support of the honest advocates of the policy they adopted even although they were nominally in the ranks of their political opponents. What I most dread is your falling into political confusion in the North. That would be a severe blow to the principle of self-government everywhere.

I must not omit to mention that my friend Mr. Goldwin Smith, Professor of Modern History at Oxford, goes out by the Europa for a visit to the States. He needs no personal introductions and I have given him no letters. But I need not tell you that he deserves well of your country. He is one of the few men moving in his sphere who has given a hearty and most brilliant support to your cause.

A relative of mine, Colonel Cole of the 15th Regt. stationed in New Brunswick, and who lately filled temporarily the post of Governor of that Province, will make a short tour in the States, and will present you with my card of introduction. I shall be obliged if you will give him any introductions you can to the military authorities so as to insure him all possible facilities for seeing your army in the field.

Mr. Scovel who paid me a visit here in the winter is I believe a Senator of the New Jersey Legislature but I do not know his address. Would you oblige me by posting the enclosed to him.

With my best wishes always

believe me

Yours very truly

RICHARD COBDEN.

IX.

MIDHURST, 11 Jan., 1865.

*My Dear Sumner*

I have not only to acknowledge your last letter to me but also many printed papers which you have from time to time been so good as [to] forward me.

I agree with a remark in the concluding passage of your last letter that you are fighting the battle of liberalism in Europe as well as the battle of freedom in America. It is only necessary to observe who are your friends and who your opponents in the old world to be satisfied that great principles are at stake in your terrible conflict. But it is not by victories in the field alone that you will help the cause of the masses in Europe. End where it may, the Civil war will, in the eyes of mankind, have conferred quite as much "glory", so far as mere fighting goes, on the South as on the North. It is in your superiority in other things that you can alone by your example elevate the old world. I confess I am very jealous of your taking a course which seems to hold up *our* old doings as an excuse for your present shortcomings. Hence I was sorry to see your republication of the old indictment against us in your very able and learned pamphlet. My answer is that your only title to existence as a Republic is that you are supposed to be superior to what we were 60 years ago. Had you returned the Florida to Bahia without a moment's delay, cashiered the Captain of the Wachusetts, and offered to pay for the support of the survivors who were dependent on those who were killed or drowned in that wicked outrage, your friends would have felt some inches taller here. *That* would have been the true answer to the taunt of our Tory press, and not the disinterment of the misdeeds of our Tory government to show that they did something almost as bad as the Federal commander.

You see I am taking the liberty of ancient friendship with you; and whilst in the vein let me ask what is the meaning of the Bobadil strain in which the New York Times treats the Canadian question? We are accustomed to disregard the Herald as an Ishmaelite organ which represented no political party, and whose proprietor was a renegade Scotchman. But the "Times", with Mr. Raymond at its head, was supposed to be something different. I confess however I never saw anything from Mr. Gordon Bennett's paper more calculated to weaken your good influence over this country than the article to which I refer. Are we henceforth to have two New York Heralds instead of one? But enough of this vein.

I observe an attempt by the Times (London) correspondent at New York to make it appear that the American public are again beginning to apprehend European intervention in some form. I do not believe there is the remotest risk of any thing of the kind. You will I hope have soon got possession of all the ports of entry in the South and re-established your custom houses; when that is done I do not see how a collision or misunderstanding with a neutral maritime power can possibly arise.

I was much pleased with your speech on the Canadian difficulty in



the Senate where you spoke of avoiding all quarrels with other countries, and devoting yourself to the one sole object of putting down the rebellion. I am not blind to the fact that very grave questions will stand over for adjustment between your country and ours. Some of them, such as the injury done to your whole shipping interest, by the losses and destruction of a part, can hardly be settled by governments. They will I fear invite future retaliation on our shipping by citizens of your country, if *we* should ever go to war. But all these questions must be postponed till your war is ended, and then probably the whole world may be ready for a thorough revolution in international maritime law. It will be for you to show the way.

I wish I could see more intelligence in your midst on questions of finance and political economy. Your Congress seems to me just about on a level with the British parliament of 1818 before Huskisson commenced his first reforms of our fiscal system which were afterwards followed up by Peel and Gladstone. I have always considered it a great misfortune that the New Englanders who have been the schoolmasters of the Union, should have thought themselves interested in the policy of "Protection." They have spread the heresy over the land. However, I have great faith in the intelligence of your people, *after they shall have been in the school of adversity.*

I observe that your Secretary of the Navy calls for government yards. As a rule all heads of departments wish to become manufacturers. In this country they have contrived to inveigle us into all kinds of undertakings, and it has been found very unprofitable. We are now trying to make our government resort to private enterprise for the supply of their wants. But it is very difficult to retrace our steps. I send you a couple of copies of a speech I made on this subject last year. Pray put them into the hands of parties taking an interest in the subject.

You were so good as [to] send me the Congressional Globe, bound to March, 1863. If you would forward me the continuation I shall be obliged. Send me also copies of your Diplomatic Correspondence for last year and your departmental Reports on Navy, Finance, etc.

We find it almost as necessary to be "posted" in your "bluebooks" as our own. I hope this will find you well. Believe me

Yours very truly

RIC. COBDEN.

*Hon. Charles Sumner*  
*U. S. Senator.*

It seems as though the rebels when driven to desperation would emancipate their slaves, and make *that* the ground of an appeal to Europe for recognition. I hope you will anticipate them by a  $2/3^{\text{rds}}$  vote of Congress for altering the Constitution.

x.

MIDHURST, 2 March, 1865.

*My Dear Sumner*

I feel it a pleasant duty to give you my best congratulations on the recent proceedings within and without your Halls of Congress. The vote on the amendment of the constitution was a memorable and glorious event in your history. Another incident, that of your introduction of a colored man to the Supreme Court was hardly less interesting. In all these proceedings at Washington you ought to be allowed to indulge the feelings of a triumphant general. You served as a volunteer in the forlorn hope when the battle of emancipation seemed a hopeless struggle. Your position within the walls of Congress was very different from that of the agitators out of doors—meritorious as were their labors. I have served in both capacities, and know the difference between addressing an audience of partisans at a public meeting and a hostile parliamentary assembly. The rapid progress of events and the sudden transformation of opinion must impart a constant excitement to your life;—it must be something like the movements of a kaleidoscope. I heartily congratulate you and wish I could shake hands and have a chat with you on all that is passing. Looking on from this distance, I cannot doubt that your *great* military operations are drawing to a close. The war is being driven into a corner. A few months must decide the fate of the armies in the field. If Lee is beaten I see no other great army, and the Southern people are too intelligent to attempt to protract the struggle into a guerilla warfare. But it is useless to offer speculations here on events which will be realized probably ere you receive this.

I observe an attempt to alarm you with the prospect of European intervention. I need not tell you that this is the purest fiction. Nothing of the kind is now possible. You know that at first I was very apprehensive. And you know also that from the first the French government has been courting the alliance of England in a scheme of intervention. "Barkis is willing" has been the constant language of Napoleon to Madame Britannia. It is nothing but your great *power* that has kept the hands of Europe off you. When the deputation of Free traders applied to the Minister Guizot in 1846 for authorization to hold meetings to agitate for free trade they received permission with the benediction—"Soyez fort, et nous vous protegerons." This is about an amount of what your friends in Europe have been able to do for you. There is no denying the fact that your terrible struggle has demonstrated an amount of hostility on the part of the ruling class here, and the ruling powers of Europe generally toward your democratic institutions, for which none of us were prepared. Still it must not be forgotten that the common people of England were true to the cause of freedom. It has never been possible to call a public open meeting, *with notice*, to pass a resolution in favor of the rebellion. It would have been voted down by the working men. I know you are greatly and justly angered at the conduct of our upper classes—but do not forget the attitude of the workers.

I have to thank you for sending me the Congressional Globe and other public documents. I send a few copies of my speech on manufacturing government Establishments. Please to put them into the hands of any who take an interest in such matters. Attempts will be made to induce you to set up great government works. But you had far better rely on private enterprise.

If there be anything arising between the two governments of which I am not likely to be fully informed, I shall be obliged by your confidentially informing me. Is there any other reason besides ill health for Lord Lyons' resignation?

Believe me Yours truly,

R. COBDEN.

*Hon. Charles Sumner.*

P. S. I am more alarmed at the politico-economical delusions that prevail in your high places than at the arms of the rebels. Who is Mr. "Maximum" Stephens who thinks he can control the price of gold if he can only induce a majority of Congress to agree with him? The serious part of it is that he has so large a following.

You have a most serious task before you when the war ends, in clearing away the wreck and adjusting your pecuniary, political, and social difficulties. The country is revelling in a Saturnalia of greenbacks and government expenditure, and is under a delusion that it is a genuine prosperity. It is destined to a rude disenchantment, and this will test the statesmanship of the republican party.

## REVIEWS OF BOOKS

*Manuel de Bibliographie Historique.* Par CH.-V. LANGLOIS, Chargé de cours à la Faculté des Lettres de Paris. I. Instruments Bibliographiques. (Paris: Hachette et Cie. 1896. Pp. xi, 193.)  
"Of all the sciences auxiliary to historical studies," says M. Lang-

lois in his preface, "bibliography is incontestably the most generally useful and the most neglected." Palæography, epigraphy and diplomatics concern directly only a limited number of students, but no one can carry on useful work in any line of history without some acquaintance with bibliography, without the ability to find out what are the sources for a given subject, what has already been written upon it, and what are the best means of keeping abreast of new publications as they appear. The knowledge of this sort which one acquires by experience is almost inevitably fragmentary and incomplete, and must be gained at the cost of mistakes that might have been avoided, and time which might have been saved, by systematic training in the use of bibliographical tools. The necessity of a well-ordered knowledge of bibliography grows more pressing with increased activity in publication, not only as a means of rendering accessible the enormous mass of material constantly pouring from the press, but also in order to direct attention from well-gleaned to more profitable fields of investigation and thus bring about economy of effort in historical research.

It was such considerations as these that led M. Langlois to introduce systematic instruction in historical bibliography at the Sorbonne and to publish the first part of his unique course in permanent form. The *Manuel* is not a list of "best books" or a "reader's guide" to historical literature; its aim is to introduce the reader to the best instruments of bibliographical research and enable him to use them intelligently. The volume naturally falls into two parts. The first book deals with the general works which the historian must use in common with other students: bibliographies of bibliographies, repertories of incunabula and of rare or useful books, library catalogues, and the registers of publications issued in the various countries. Book II. is devoted to historical bibliography proper, and treats first of works relating to the original sources and then of the bibliographies of printed books, arranged according as they have to do with universal history, with the principal periods of history, with the history of particular countries or localities, with special branches of history, or with allied sciences. The enumeration of titles under the various headings does not profess to be exhaustive; the author has selected the works which have proved useful in his own experience or are well spoken of by specialists, and while opinions will of necessity differ as to

the wisdom of the selection in every case we doubt whether many important works will be found lacking. American contributions to bibliographical science are well represented; we miss, however, Jones' *Index to Legal Periodicals*, Miss Davenport's bibliography of English manorial and agrarian history, and Vincent's *Contributions toward a Bibliography of American History, 1888-1892*. Additional indexes of publications of the United States Government might well have been mentioned. The author has been misled by the title of Gurney's *Reference Handbook of English History*, which is not a bibliography, but a set of genealogical tables, nor is it entirely fair to class Larned's *History for Ready Reference* among bibliographies of universal history. W. F. Allen's *Reader's Guide to English History* should be cited in the revised edition of 1883 and as an independent publication.

M. Langlois has not confined himself to a mere list of titles, but has commented freely on the works cited and made numerous references to critical reviews, while the excellent discussions of bibliographical method make the book valuable to professional bibliographers as well as to students of history. Ease of reference is secured by the arrangement of the material, which has evidently been classified with great pains, and by an unusually complete index. Praise should be also given the proof-reading, which has been done with extraordinary care, particularly in the difficult matter of citations from foreign languages. It would be hard to find another work which condenses into the same space so much useful and accurate information on historical matters.

The second part of the manual is to treat of the history and organization of historical studies in the various countries of the world and describe "the principal undertakings and monuments of modern erudition and historiography."

CHARLES H. HASKINS.

*Historical Briefs.* BY JAMES SCHOULER. With a Biography. (New York : Dodd, Mead and Co. 1896. Pp. 286.)

IN this volume are collected nearly all of Mr. Schouler's detached essays on historical subjects. In six of them Mr. Schouler discusses the processes of the historian, a field which has been much neglected by English and American historical writers, who, in the practical spirit of Dr. Primrose, seem to have thought it of more service to produce literary offspring than to talk about it. As a result, the English student has had to rely for guidance mainly upon examples and *obiter dicta*. Mr. Schouler's contribution to supply this deficiency deserves a cordial welcome from teachers and students. It is, however, the youthful writer of history rather than the investigator to whom the author addresses himself in the majority of these papers. Not the least interesting feature of these discussions is his revelation of his own method of work. In the more theoretical parts Mr. Schouler has compressed his matter too much; the essay on "Historical Testimony" in particular could have been expanded

with advantage by adding to the enumeration of different classes of sources some discussion of their relative importance. Mr. Schouler is a hearty believer in personal research, and in the paper on "Historical Industries" he makes a vigorous plea for the individual historian as against the formidable rival of his work, the co-operative history.

Soon after the Lenox Library acquired George Bancroft's collection of books and transcripts Mr. Schouler found there, in the copy of Polk's voluminous diary, the material for two fresh and instructive studies of his administration. One rises from their perusal with the conviction that Polk was a man of greater strength and fewer scruples than he has commonly been credited with, and that in tenacity of purpose "Young Hickory" came little short of his namesake and mentor.

The second part of this volume is devoted to a sketch of Mr. Schouler's life made up from material furnished by himself. The simple and interesting fragments of autobiography interspersed here and there make one wish that it had all been in that form. In the earlier part many glimpses are given of General William Schouler, the independent and vigorous editor of the *Boston Atlas*, and later, the energetic Adjutant-General of Massachusetts during the Civil War. Both father and son appear in thoroughly attractive light in this narrative, and many among the thousands of students of history and law who have received instruction from Mr. Schouler's works will welcome this confidential introduction to his personality. To their respect for the scholar will be added attachment to the man.

EDWARD G. BOURNE.

*The History of Mankind.* By Professor FRIEDRICH RATZEL.  
Translated from the second German edition, by A. J. Butler,  
M. A. (London and New York: The Macmillan Co. 1896.  
Pp. xxiv, 486.)

SINCE the publication of the first edition of this work in Germany in 1885 it has held the position of the most popular manual in its particular field, that of ethnography, or the description of the culture of existing tribes and peoples. The title borne by the present volume, *The History of Mankind*, does not express this, and is scarcely justified by the method adopted by the author and set forth in his first chapter, that of studying present conditions through their historic developments.

The first volume of the translation here presented contains two books, the first the general introduction, the second embracing three chapters devoted respectively to the races of Oceanica, the Australians and the Malays. The latter he includes under the general rubric, "The American-Pacific group of races." These two divisions may be examined separately.

The introductory book is devoted to "The Principles of Ethnography." After a brief exposition of the number and geographical locations of the human "race," and a reference to the position of natural "races,"



the rise and spread of civilization are discussed. As will be seen by this statement, the author employs the word *race* in different senses, and does not clearly define its scope. By "natural" *races* he explains that he means those "more dependent on nature" than civilized peoples, borrowing the term apparently from Waitz but not mentioning him. In the same paragraph (p. 14), he adds that civilized men "are more dependent on Nature than any former generations." This is well calculated to confuse the reader who is not versed in ethnologic subtleties.

The elements of ethnography he presents as the language, religion, arts, family relations and government of peoples; and to each of these he gives a section, setting forth the method with reference to it which he proposes to adopt. Each language is regarded "as a special organism with a development of its own." Both copiousness and deficiency in a language alike spring from immaturity (p. 35). The subtler view of language set forth by Wilhelm von Humboldt, that it is a powerful instrument in moulding the mind of the people who speak it, is not considered. Concerning religion the author writes, "Religion is everywhere connected with man's craving for causality." In this he follows Peschel and various older ethnographers, although it is certainly obvious enough that if there is any department of reasoning where the doctrine of causality is sedulously ignored it is precisely in religion. Fetishism (p. 44) is described as meaning the connection of "countless tribes of souls" with various articles. This is a common error of those who claim the worship of souls as the primitive form of religion. In fact, the fetish is as often believed to be inspired by independent spirits as by those who have passed through human life.

Passing from these general considerations to the special treatment, each of the "races" above mentioned is considered in the light of the general principles named. The author expends considerable space in defending a supposed close relationship between the Polynesians and the Americans. The identities he mentions are: That both were in the stone age; that neither knew the treatment of iron (not surprising in Polynesia!); that there is a similarity of color (?); that in both districts the skull forms are variable (equally true of the Aryan stock); that their religions are alike (not more so than to early classical models); and that mother-right exists in America, and although it does not in Polynesia it must have been there once and "broken down!" (p. 151.) The extraordinary weakness of all this is too apparent to need further comment.

When the author escapes from this theorizing and gives objective descriptions of the armor, tattooing, habitations, arts, social conditions, theories of relationship, calendars and so on, he draws from the best authorities and presents clear and accurate pictures, carefully copied from life. He has a kindly tendency to bring to the front that which is favorable and which indicates a growth into higher developments of life. There are in every social condition elements of degeneration, just as there are in every human body; but while it is right not to lose sight of these in a general estimate, unquestionably our chief attention should be

directed to those elements which indicate the capacity of progress and its realization.

The chapter on the Australians represents them as a people who have deteriorated from a better condition of existence, owing to the constant struggle for life which confronts them. This is a charitable inference, but has no positive foundation. There are no remains in their extensive territory which suggest that their ancestors stood on any higher plane of culture. Their religion, which is quoted in evidence, appears superior only because most writers studiously undervalue the religious capacity of the lower races.

In speaking of the Malay race, the author expresses positively the view that its members and the Polynesian group belong to one stock, "in respect of bodily characteristics and language;" thus discarding the dreams of Judge Fornander and some later ethnographers, that the Polynesians should be considered allied to the white race. The Malays themselves he believes, in spite of their striking somatologic identities, to be a stock of extremely mixed descent.

The translator, Mr. Butler, has taken pains to make his rendering not only accurate, but readable. He has allowed himself various liberties with the spelling of geographical names and defends this in his preface. Such variations are confusing and to be deplored, and emphasize again the desirability of an international geographical committee to frame a standard orthography for such terms, which may be generally adopted.

The illustrations in the text are numerous and good. They represent the physical appearances of the natives from photographs, and their accuracy therefore may be depended upon. Many of the cuts show art designs, armor, dress, mythological objects, boats, agricultural implements, etc. There are nine full-page colored illustrations of a similar character, extracted from trustworthy sources. A colored ethnographic map of the island world indicates the position of the tribes mentioned in the text. When it is added that the type is clear and the paper excellent, no one will doubt that the volume presents an attractive appearance.

It is intended for popular instruction and is well suited to that purpose. The specialist will find in its pages much which he will be glad to have collated in commodious form; and though the author gives no references to his authorities, this will probably render his pages all the more agreeable to the public for which they are intended.

D. G. BRINTON.

*A History of Egypt.* Vol. II. The XVIIth and XVIIIth Dynasties. By W. M. FLINDERS PETRIE, D.C.L., LL.D., Edwards Professor of Egyptology in University College, London. (London: Methuen and Co. New York: Charles Scribner's Sons. 1896. Pp. xvi, 353.)

THE materials upon which a history of Egypt must be based are almost exclusively monumental. This fact must be especially born in

mind by the reader of Mr. Petrie's *History*, the second volume of which, entitled as above, has just appeared. The reader of modern European history seldom gives very much thought to the sources from which the facts adduced have been obtained. These sources remain in the background and are seldom, if ever, mentioned. If they are referred to, it is evident that they are documentary, consisting of state archives, correspondence, other histories and the like. For the validity of the facts adduced very little depends upon the workmanship of the manuscript, the place where it was found, the material or any such considerations. But the case of a history depending upon monumental sources is very different; here very often the entire story which a stone may tell us depends largely upon the place where it was found, the style of the work, or upon some elusive peculiarity which only the keen eye of the archaeologist on the spot will seize upon and make permanent in his notes. Such materials Mr. Petrie is rarely endowed to sift and investigate, and if these materials occupy so prominent a position in his history the fact is to be attributed to the above considerations. To use a figure, one sees every individual brick in his historical edifice, without any softening or diminution of perspective. It cannot be denied that this method mars the symmetry and the architectural effect of the whole; the general impression is obscured by the prominence and clearness of often irrelevant archaeological detail. It is possible to write the history of Egypt without making the materials so prominent, but such was not Mr. Petrie's purpose nor desire, for, as he says in his preface, he has adhered to "the standard of leaving no fact or monument referring to the regal history unnoticed." He further explains, "Such a text-book is of necessity only a work of reference in many parts; but general observations on the condition of the country, and the circumstances of the rule, have given scope for summarizing the view suitably for the historical reader." Anyone, therefore, who knows how complex and how vast the monumental sources of this history are will be very grateful to Mr. Petrie for his thorough presentation of published and unpublished materials. The work of Wiedemann is thus brought up to date and made accessible to the English reader, and will prove invaluable to the real student of this history.

The first volume, which appeared late in 1894, carried the history down to the close of the sixteenth dynasty; the present volume contains the seventeenth and eighteenth dynasties. The great periods within these dynasties are chiefly three: the expulsion of the Hyksos, the conquest of Syria, and the reform of Amenhotep IV. These offer material enough to fill a volume by itself, and constitute the most stirring and active epoch in Egypt's career. In reconstructing the usually obscure chronology of the time Mr. Petrie adduces every scrap of evidence, and in the case of Amenhotep II. has himself discovered a very important datum, a scribe's mark on a wine-jar of the king's twenty-sixth year, which is twenty-one years more than the monuments have hitherto given him. A translation (rather free) of the remarkable annals of Dhutmose (Thotmes) III. will be very interesting reading for the layman; this

Napoleon of ancient Egypt crossed the Suez in no less than fifteen great campaigns into Syria, and his account of these expeditions, his geographical lists and the paintings in contemporary tombs constitute invaluable sources of information concerning Palestine previous to the Israelitish occupation. The ingenious and original treatment of these geographical lists seems very reasonable. A systematic and historical arrangement of the correspondence which grew out of these Asiatic conquests, and which is known as the Tell-el-Amarna letters, is a unique feature of Mr. Petrie's book; it offers a summary of the contents of each letter which will prove very convenient and useful.

Mr. Petrie's deservedly favorite king is that remarkable idealist, the world's first reformer, Amenhotep IV., who in the fourteenth century B. C. made a daring attempt to introduce a very pure and lofty monotheism, and at the same time to exterminate polytheistic observances, priesthoods and temples throughout his kingdom. This attempt occupies the third period above referred to. The god of this reform was the sun under the name Aten, an ancient word meaning simply "sun" and possessing no theological or religious significance, until it was taken by the priests of Heliopolis a generation before Amenhotep IV. Finding himself hampered by the theological traditions of Thebes, Amenhotep deserted this city of his fathers and on the plain of modern Tell-el-Amarna built his new temple city and palace, where for eleven years he successfully maintained the new faith against the tremendous opposition of prejudiced tradition. Dying after a reign of seventeen years, the great movement he had led perished with him, and unable to survive the struggle his family lost the throne, the eighteenth dynasty was brought to its close, and Egypt was forced to relinquish probably all of her Asiatic conquests. Mr. Petrie would attribute this remarkable movement solely to external influences introduced chiefly through the foreign marriages of these later eighteenth-dynasty kings, especially by Amenhotep IV.'s alien mother, Tey. That foreign influences were strongly operative in the cosmopolitan Egypt of the eighteenth dynasty is of course evident. Does it, therefore, follow that this reform was due to these influences? If we find an unusual product of any kind in Egypt at this time we can prove it foreign by two facts: first, that nothing of the sort belongs among the products of Egypt; second, that similar products are the work of this or that foreign country and have been found there. Applying this test to the reform of Amenhotep IV. we find that as far back as the Old Empire the pyramid texts of the fifth dynasty already show a distinct, unmistakable tendency toward solar monotheism. This tendency is in full swing in the Middle Empire, and the reform of Amenhotep IV. is its expression in the New Empire. Again, applying the second demand of the test, there is not among the foreign countries influencing Egypt at this time a trace of monotheism to be found; indeed the Hebrews, living more fully under the influence of these countries than did Egypt, probably never attained a pure monotheism until the exile, and are continually reproached by the prophets

for yielding to the polytheistic influences of surrounding peoples. Historically speaking, therefore, we find: first, that the movement of Amenhotep IV. may be traced to home tendencies; second, that there is nothing abroad which could have been brought in to prompt it. But an etymological argument is also adduced (p. 212) for the foreign origin; the name Aten is held to be etymologically the same as "the Syrian Adon." The dangerous attractiveness of etymologies is well known; remarkable accidental resemblances between words of similar meaning in languages widely separated are frequent. For example, in Coptic *sheune* means "barn," and is precisely the same as the German *Scheune*, "barn." But the resemblance between Adon and Aten is only seeming, for the Semitic equivalent of the consonants in the old form of Aten is 'SN, which of course has no connection with those of Adon. The argument from etymology cannot, therefore, affect the above conclusion.

One of the impressive facts observed in studying this volume is the large proportion of the monumental material, the discovery of which is due to the author himself in the course of many years of excavation in the Nile valley, and the already long series of exhaustive monographs, minutely presenting the results of these excavations and published almost as rapidly as they have been made. These are in happy contrast with the evidences of mal-administration on too many sites in the excavations of past years. For example, on p. 220 we find this, referring to the tomb of Amenhotep IV.: "In 1891 M. Grebaut obtained knowledge of this tomb, and it was cleared irregularly and without continuous supervision, the men employed selling the objects that were found." There is no better evidence of the admirable work Mr. Petrie is doing in saving for history and archaeology the surviving remains of Egyptian civilization than the number of unavoidable references to the published reports of these excavations. Since his appointment to the directorship of the Egypt Exploration Fund it is to be hoped that the people of America will recognize his great services in the past by liberal support of the Fund.

In conclusion, a list of minor errors for correction in a future edition may be useful. P. 17 "Hauar" but p. 22 "Hat. uat;" p. 43 "But it seem" for "but it seems;" p. 45 "Zeser\* ka. ra" but p. 37 "Zeserkara" (bis) and p. 48 "Zesarkara;" p. 50 "(L. D. iii. 6b)" should be "L. D. iii. 4b;" p. 56 "cannot be modified scarcely one year;" p. 170 "Maa. neb. ra," elsewhere "Neb. maat. ra" or p. 189 "Neb. ma. ra" and "Ra. maa. neb;" p. 208 "Akenhaten;" pp. 233-4 and 242 "ser" for "zeser."

JAMES HENRY BREASTED.

*History, Prophecy and the Monuments*, or Israel and the Nations. By JAMES FREDERICK MCCURDY, Ph.D., LL.D., Professor of Oriental Languages in University College, Toronto. Volume II: To the fall of Nineveh. (London and New York: The Macmillan Company. 1896. Pp. xxi, 433.)

UP to no great while ago the old Hebrew social-political history was little more than a list of names; its real significance was unknown, and

the thought of the prophets was correspondingly obscure. Within the last generation, however, this condition of things has materially changed. More thorough literary study of the Old Testament and the discovery and decipherment of hundreds of Egyptian, Babylonian and Assyrian inscriptions have thrown a flood of light on the historical relations of the ancient West-Asiatic peoples and on the social, political, moral and religious principles which these peoples represent. The beginnings of civilization have been pushed back farther and farther; a Babylonian kingdom has been discovered to which the date 4000 B. C. is assigned (and an antiquity greater than this by one or two thousand years is claimed for the Babylonian monarchy by some), and the empire of the Nile can hardly have been behind its Mesopotamian sister and rival. The Babylonians began to invade Canaan at a very early period (apparently as early as 3800 B. C.), and prior to the fifteenth century B. C. The Babylonian language, written in cuneiform script, was the medium of communication between the Nile and the Euphrates and between the Egyptian governors in Canaan and the Egyptian court. It has become possible to fix the historical situations and the dates of a great part of the prophetic writings, and the sociological investigations of Maine, McLennan, Spencer and others have furnished material for the understanding of the social development of the Hebrews. Much has been done by Renan, Stade, Robertson Smith, Nowack and other recent writers in the way of applying all these new results to the elucidation of the Old Testament.

Professor McCurdy is not only able to profit by the labors of his predecessors, but has also the advantage of the discoveries made since they wrote. His method is to interweave the histories of the connected peoples in each period, to point out the historical presuppositions and moral principles in the prophetic writings, and to treat the social constitution in separate sections. This method has obvious advantages in the hands of a competent scholar and good writer, and is employed by Mr. McCurdy with excellent effect. His presentation of the material is admirable in arrangement; his style, though somewhat formal and Gibbonesque, is clear and vigorous. His first volume brought the history down to the fall of Samaria, B. C. 722; after a general sketch of the social ideas of the Semites it gave detailed accounts of the Babylonians, Assyrians and Aramæans, and their relations with the Israelites, the political history of Israel, and an examination of the earliest prophets. The second volume goes to the fall of Nineveh, B. C. 607, taking first the social and then the political history.

To the pre-exilian social political constitution Mr. McCurdy wisely gives large space (200 pages). After a description of the elements of Hebrew society, he considers the Hebrews as nomads and semi-nomads, then as settled in Canaan, then under the monarchy, and finally devotes a chapter to "society, morals and religion." The main points of his discussion are the organization by tribes, clans, families, status of the slave, power of the house-father, position of woman as daughter and as wife, status of the foreigner naturalized and unnaturalized, relation be-



tween the poor and the rich, importance of the possession of land, social abuses, influence of judges and priests, history of the transition from the nomadic to the agricultural state, influence of public religious worship, political and military organization under the monarchy. His general sociological results differ very little from those which have been reached by other writers on the subject. He rightly regards the clan as the fundamental political unit, its mark being blood-relationship, actual or assumed; his treatment of the family, taking the term in its narrowest sense, seems not quite satisfactory. He is, however, right in claiming for the Hebrew father something like the Roman *patria potestas*. He sides with those who regard the position of the Hebrew wife as a high one; this subject (on which Professor McCurdy has some judicious remarks) is a difficult one—the history of the Semitic woman yet remains to be written. An excellent feature of the whole discussion is the constant reference to ethical principles and results. The author's point of view in this regard is the right one; he takes the history of Israel as a part of Semitic and of universal history, and undertakes to treat it in the same way in which all other history is treated. On the other hand, he is correct in regarding certain ideas as peculiar to the Israelites; their institutions, domestic, civil and religious, are, as he says, simple and comprehensible to us (it is questionable whether he is right in adding, p. 32, "to a degree quite unique"); and he goes on to illustrate in an interesting way the part which such words as *tribe, family, father, mother, brother, servant*, play in the Old Testament. But throughout the book he is in danger of losing sight of his own principle that Israel was subject to the common laws of humanity. He takes the prophets as the expounders of the ethical significance of the facts of life, and this no doubt they are; but it is going too far when he ascribes to them an absolutely pure moral standard. It is obvious that Jeremiah and Ezekiel, for example, treat foreign nations from the point of view not of their absolute moral worth, but of their political relations with Israel. Nor does our author distinguish properly between ethics and religion; the moral code of the Hebrews, like that of all other peoples, was worked out by their social life and then adopted by the teachers of religion. In connection with his discussion of the social question it must be noted that his interpretation (pp. 218 ff.) of the term "poor" in the Psalms as meaning the physically indigent is almost certainly wrong; the reference generally, if not always, is to the post-exilic Jews as under foreign oppression. Further, his assumption that the Biblical account of legislation at Sinai is correct tends to obscure the early institutional history. But while exception must be taken to these and other points, such as the treatment of Baal, p. 130, and the use of the term "usury," p. 198, elsewhere, as in the description of the *ger*, p. 180, and the explanation of the part played by the nobles, p. 193, the author is felicitous, and his whole discussion is suggestive and instructive.

The political story of the period under consideration is well told. It includes the reigns of the Assyrian kings Sargon, Sennacherib, Esarhad

don, Assurbanipal and their insignificant successors down to the overthrow of the empire, and the contemporary kings of Egypt and Judah. Professor McCurdy gives a vivid picture of the indomitable Babylonian patriot, Merodach-Baladan. He rejects with probability the supposition of a devastation of Judah by Sargon, and thus would not assign Isa. i. to the reign of that monarch. As to the vexed question of the date of Hezekiah's accession he rejects the years 727-6 and 715 and adopts 720-19, changing Hezekiah's age at accession from 25 to 15 years; yet the most trustworthy datum appears to be the statement of 2 K. xviii. 13 that Sennacherib invaded Judah (701) in Hezekiah's fourteenth year, which would make the accession year 715. For the number of Sennacherib's soldiers destroyed by "the angel of the Lord" he suggests 5,180 instead of 185,000 (the Hebrew text is certainly corrupt), brings the story into connection with the field-mice story of Herodotus (II. 141), and puts the scene near the Egyptian border. He emphasizes the importance of the Arabians of this period, and observes that the Gomer of Gen. x. came to the knowledge of the Israelites after the eighth century B. C. In his citation of Ezek. xxxi. 3, p. 413, he has failed to note that the Hebrew text is corrupt and that there is no reference to Assyria. He, with perhaps undue severity, characterizes Sennacherib as savagely cruel, and Assurbanipal as vainglorious, self-indulgent and barbarous.

I have left myself no space for the examination of Professor McCurdy's numerous suggestive citations from the prophetic writings (Isaiah, Micah, Nahum, Zephaniah, Jeremiah). The prophetic policy, which, down to the time of Nebuchadnezzar, advocated political isolation, is clearly brought out, as well as the prophetic strenuous moral-national point of view. Numerous critical questions arise in this exposition, of which the author's solution seems to me generally correct. Isaiah xii. and xxxiii., however, cannot well be ascribed to the prophet Isaiah, or Mic. vi., vii. to the prophet Micah, and Isa. xix. fits more easily into the time of Cambyses and the Greek period than into that of Esarhaddon. Professor McCurdy thinks that in Jer. iv.-vi. the northern people mentioned is not the Scythian.

C. H. TOY.

*Buddhism, Its History and Literature.* By T. W. RHYS DAVIDS, LL.D., Ph.D., Professor of Pali and Buddhist Literature at University College, London. (New York and London, G. P. Putnam's Sons. 1896. Pp. xiii, 230.)

Of all the factors that make up human history, none is of more vital concernment than religion, the practical outgrowth, in belief and action, of man's conceptions of his relations to the world about him. If we read the signs of the times aright, there are few things less stationary, few things more under the domain of evolution than religion. And although the influences that contribute to this beneficent progress are manifold, there is perhaps none more direct and efficient than that which results from the study of other religions than our own.

Such, doubtless, are in substance the considerations which have led to what is truly a new and vigorous "movement" of investigators upon the field of ethnic religions. The results of their investigations have already been made, in part, accessible to the public through Professor Jastrow's *Handbooks of the History of Religions* and through the *Harvard Oriental Series*. To the leaders of this movement, however, not only the press, but also the rostrum, has seemed an important agency for the prosecution of their work; and accordingly a committee was organized to provide lectures in the principal Atlantic cities, upon the religions of other countries and ages by the most eminent scholars. The first fruits of this undertaking appear in the volume before us.

The author may well be called one of the most eminent authorities in this field, for his knowledge is based upon actual residence and study in Ceylon, and upon the work which he has carried on most diligently and efficiently for the last two decades as the head of the Pali Text Society. His purpose in this little book, however, is not to publish new contributions to the knowledge of the subject, but rather to give an authoritative and trustworthy presentation of what is already known, and thereby to correct the misstatements now current and the misapprehensions now rife. And this is no superfluous task; for, what with rapid transit to Bombay, American tourists in India, Kipling's stories, Stoddard's lectures, Theosophists, Mahatmas, Esoteric Buddhists and their propaganda, the Parliament of Religions, "our Annual Hindu," and our truly Athenian seeking for "some new thing," it is clear that India in general and Buddhism in particular have become a veritable fad of the day; and faddists, as we know, are much too busy to make serious inquiries into any of the multifarious subjects that interest them.

By a division which is the natural one as well as the traditional, treatises of Buddhism are usually disposed under three heads: first, the Buddha, including the legends that have grown up about the nucleus of facts concerning the life and personality of the Founder; second, the Doctrine; and third, the Order, including an account of the monastic life and the vicissitudes of Buddhism as an organization. To this arrangement Professor Dauids in the main adheres; but he makes very short work with the third division; and, by way of offset, devotes the first of his six lectures to showing that Buddhism is not—as is often wrongly supposed—an abrupt and sudden break in the history of Indian thought, a kind of protestant reformation of effete Brahmanism, but rather one (perhaps the most interesting) of many phases that succeed one another in logical and traceable sequence and thus form together a chapter in the history of the evolution of religion which for instructiveness and unbroken continuity is hardly to be matched. The relation of Buddhism to the admittedly older doctrines of the Sankhya is discussed by the author; but too inconclusively, we think; and so would refer the reader to Jacobi's paper (*Göttinger Nachrichten*, 1896, p. 16), which makes the Sankhya-Yoga the philosophical basis of Buddhism.

The second lecture gives an account of the principal original sources

from which our knowledge of Buddhism is drawn or is yet to be drawn, namely, the Tripitaka or Pali Sacred Scriptures. The account is supplemented by the titles of the canonical texts and by lists showing what texts have been edited by Occidental scholars and what remain still to be edited. All this is most acceptable. The third lecture discusses what we may take for the main facts in the life of Buddha as distinguished from the highly embellished legends that we know so well from Sir Edwin Arnold's poem. It is noteworthy that in this connection Davids does not even mention—still less combat—the once famous theory that Buddha was a solar myth and no historic personality. The sixth lecture presents, in perhaps too sketchy and discursive a way, some of the later phases in the development of this missionary religion, and describes the great division into Northern and Southern Buddhism.

The fourth and fifth lectures, finally, bear the title, "The Secret of Buddhism." If we say that it will still remain a secret to many after they have read the two chapters, let no one accuse us of cheap jesting. Even Buddha himself admitted that his doctrine was a hard one and his secret not for every man. But for that very reason all the more do we wish that our eminent author had treated this part of his subject with more minute and painstaking elaboration. Yet it is no small service to have shown how wholly different must be the intellectual atmosphere in which the soul-theory of the Christians, with their "ways and means of making that little self of their own happy and comfortable forever," is looked upon as a fundamental illusion and a prime cause of misery. The important "chain of causation" is made the subject of serious treatment, in connection with which the reader should consult the still more recent paper of Senart of the French Institute in the *Mélanges Charles de Harlez*.

What we most miss is a satisfactory elucidation of the relations of Buddhism as a philosophy to Buddhism as a system of practical ethics. Perhaps even yet the time is not ripe for it. The rostrum has its own opportunities and its own limitations. It calls for a popular treatment of the subject, and so allows the introduction of a good deal of lighter matter on the one hand, and, on the other, forbids the introduction of much that would be indispensable in a technical treatise. Considering these limitations, and barring the all too numerous slips in very various matters of minor detail, the book is most cordially to be commended to all who value the fruits of a direct and wide and deep study of the sources guided by a sober-minded and intelligent sympathy.

CHARLES R. LANMAN.

*History of Christian Doctrine.* By GEORGE PARK FISHER, D. D., LL. D., Professor of Ecclesiastical History in Yale University. [International Theological Library.] (New York: Charles Scribner's Sons. 1896. Pp. xv, 583.)

THE first question that arises respecting this work is as to the appropriateness of the title. It purports to be a history of Christian doctrine,

but upon examination proves rather to be a history of Christian theology. This is evidenced by the titles given to the main divisions: Ancient Theology, Mediæval Theology, Modern Theology, as well as by the subject-matter and mode of treatment. Indeed Professor Fisher tells us in his preface (p. vii.) that "the primary aim has been to present in an objective way the course of theological thought respecting the religion of the Gospel." However, on a previous page (v.) he had told us "that the present work is a history of Doctrine as well as of Dogma," and yet it will "include a survey of the course of modern theology down to the present day" (Intro., p. 3). It would seem then that the author had a triple aim, viz. to trace the "course of theological thought," and at the same time to describe the development of doctrine, and also to mark the growth and establishment of specific dogmas.

Part I., Ancient Theology, is divided into two periods, the first of which extends to about A. D. 300, and is described as "The Rise and Early Types of Theology to the Complete System of Origen and to the Fully Established Conception of the Pre-Mundane Personal Logos." The second period is called "The Development of Patristic Theology in the East (to c. A. D. 754) and in the West (to A. D. 600.)" Part II., Mediæval Theology, is treated in a single period, which is described as "The Development of Catholic Theology in the Middle Ages, and its Reduction to a System." One-half of the entire work is devoted to Modern Theology, which is divided into two periods. The first of these is characterized as "The Principal Types of Protestant Theology," etc., and the second, "Theology as Affected by Modern Philosophy and Scientific Researches." It will thus be seen that Dr. Fisher's scheme is a comprehensive one; and the amount of material which he has brought within the compass of six hundred pages and given systematic treatment is truly astounding. In the treatment of the first two Parts (Ancient Theology and Mediæval Theology) our author does not assume to differ radically with the more recent German writers (Harnack, Loofs, et als.). His less specific aim results, however, in a less definite solution of the problem which they posed for themselves. The Harnackian theory of the transforming influence of Hellenic philosophy, pagan religion and Roman law upon the Christian doctrines, worship, morality, etc., is adopted in a general way by Dr. Fisher, though he is less positive as to the extent and perverting character of these influences. The treatment of Gnosticism is scanty, and indeed the second century is passed over rather lightly. Marcion is declared to be "the most prominent figure among the Anti-Judaic Gnostics" (p. 58), and yet we are told that he "asserted no higher place for *gnosis* above the faith of ordinary Christians" (p. 59). A somewhat similar inconsistency crops out in the effort to dispose of Hippolytus (cf. pp. 38, 82 and 102). The assumption that the so-called Apostles' Creed was not committed to writing or disclosed to the heathen during the second century, because of the influence of the *disciplina arcani* (p. 71), can hardly be justified. Irenæus knew nothing of the *disciplina arcani*, and



yet he would discourage the publication of the Symbol in written form. His reasons, however, are that it should be inscribed upon the "memory," upon the "heart," rather than upon "paper."

There seems to be some uncertainty in Professor Fisher's mind as to what was "the authoritative source" of Christian knowledge in the second century; compare the wavering statements on pages 70 and 72. The geographical allusions are sometimes very confusing. We are told, for instance, (p. 70) that "before Jerusalem was invested by the army of Titus there had been a flight of Jewish Christians to places on the east of the Jordan in the neighborhood of the Dead Sea." Eusebius, our best authority, tells us that they fled to Pella, which is hardly in the neighborhood of the Dead Sea. Again we are informed (p. 131) that Ephraim Syrus [who labored at Edessa in Mesopotamia] introduced Greek theological science into Syria. But surely that had been done long before Ephraim Syrus was born. On page 156 Dr. Fisher seems to say that the Armenian Church was formed as a Monophysite sect in the course of the sixth century. Obscure statements of a similar character occur not infrequently, but they are doubtless due to the necessity of compression and condensation. And this raises the question as to the value of so "general" a treatment of such a comprehensive subject as Dr. Fisher has undertaken to give us.

The brief biographical notes, for example, and the superficial description and analysis of the writings of the Church Fathers are not enough to instruct the ignorant and they are without value to the well-informed. Reference to works on patrology and to the encyclopedias would have been more satisfactory and would at the same time have saved space for the main subject in hand. Again, in attempting to describe the whole theological discussion and controversy as it has moved along from generation to generation it was impossible for our author, within the compass of this volume, duly to mark and emphasize the important and more permanent influences, ideas, theories and systems. To describe the rise and development of the ecclesiastical dogmas is a part of the task which Dr. Fisher set for himself. Yet the reader will find it difficult to separate this rubric from the general discussions and to trace the growth of the particular dogmas. In a history of doctrine it ought to be possible to follow up any one doctrine through its development, after the reader has made himself fairly familiar with the work as a whole. But this is a test which the volume before us will hardly bear. We are of the opinion that progress in the treatment of the history of doctrine lies along the line of further differentiation, rather than in reversion to the all-comprehensive method. A few errors of one kind and another have been noted, among which are the date of Athanasius' election to the bishopric of Alexandria. Cf. conflicting statements on pages 129 and 139. On page 130 we have "Emisa;" on page 174 "Croponymos;" on page 203 Theodore of Tarsus is called the *first* Archbishop of Canterbury; on page 3 *Abriss* should be *Grundriss*; a like error is made in giving the titles of Kaf-tan's two works on page 528. We desire to add in closing that the



reader will find in this work abundant evidence of Dr. Fisher's great skill, clear discrimination, sound judgment and vast learning.

EDWIN KNOX MITCHELL.

*The Growth of the French Nation.* By GEORGE BURTON ADAMS, Professor of History in Yale University. (Meadville, Pa.: Flood and Vincent. 1896. Pp. iv, 350.)

ALTHOUGH prepared primarily as part of the Chautauqua course of study for 1896-97, this little book deserves to reach a wider class of readers. Professor Adams informs us that his purpose has been to follow closely the line marked out by the title and include only "the more important facts which show the growth of the nation from age to age," omitting "other facts, however interesting, if they do not seem to bear upon the national growth." Emphasis is laid upon the territorial formation of France and the development of French institutions, with little attention to economic and social changes and no mention of matters like the Sicilian Vespers which occupy a large space in the ordinary histories. Very little is said of French influence on other nations; clearly it is the making of France and not France in Europe with which the volume has to do. Thus restricted, the narrative gives an excellent account of French political development, told in a simple, straightforward fashion and showing good judgment in the selection of facts and a good sense of proportion in their presentation. The disadvantages of the author's method of treatment are seen particularly in a tendency toward teleological interpretation and a disposition to sacrifice those elements in the history of each epoch which did not obviously and tangibly affect political growth. Such misstatements of fact as appear here and there seem due in most cases to the desire to save space rather than to inaccurate knowledge, but the impression they leave is none the less a misleading one. Thus it is certainly too much to maintain (p. 17) that the language and institutions of the Celts "disappeared as completely as if they had had no existence on the soil." The author should explain how (p. 320) the invasion of Spain by a French army gave rise to the Monroe doctrine. It is misleading to say (p. 159) that "French took the place of Latin as the language of official business" in the period from Louis XI. to Francis I.; royal acts in French are found as early as the reign of St. Louis and are common in the reign of Philip the Fair. The absolutism of the Merovingian kings (p. 29) should be somewhat qualified; on page 21 it is not quite clear that the great estates of Roman Gaul consisted of a number of *ville*. The practice in the spelling of proper names is good, although exception might be taken to the appearance of the forms Bruxelles, Aoste and Thurgovie on the same map with Genoa and Geneva. The number of maps is insufficient, the reign of Francis I., 1715, and the present time being the only dates represented. There are about ninety illustrations, of which those for the mediæval period seem to have been chosen from the text-book of Bémont and Monod, unfortunately

without the accompaniment of the explanatory notes—an omission likely to confuse when (p. 20) a scene from one of the cathedral windows at Bourges is placed in the midst of the chapter on Roman Gaul. It is a pity that no Gothic church figures among the illustrations, and that French Romanesque is not represented by something finer than St. Serin at Toulouse, which is neither typical of the usual French style nor, in our opinion, so beautiful as many of the smaller churches.

CHARLES H. HASKINS.

*Social Forces in German Literature.* A Study in the History of Civilization. By KUNO FRANCKE, Ph.D., Assistant Professor of German Literature in Harvard University. (New York: Henry Holt and Co. 1896. Pp. xiii, 577.)

To describe these titles as concessions to the timeliness of studies in social science and history as applied to literature, would be inadequate. The book sails under a double flag, but in reality a third ensign floats at the fore, inscribed "pantheistic collectivism." German literature is here interpreted neither from the historical nor the social-science point of view, as these terms are usually understood, but rather as the evolution and embodiment of a philosophical idea. The manifestations of this idea are presented with something like religious fervor, but this unusual tone in literary discussions is not repellent, at least not to the fair-minded reader. Vilmar's *History of German Literature* has wrong praises from a generation of his countrymen who were far from sharing his militant attitude in matters literary. Francke's attitude is not for a moment to be compared with Vilmar's, but like his predecessor he has a burden, and like him he possesses insight and knowledge of his subject. His very fervor makes him tell his story well. Indeed, the chapter on "Pantheism and Socialism," in which the central idea receives its fullest exposition, is, for discriminating research, just presentation of the literary outcome of his subject, and a certain sympathetic hurry and rush of style, perhaps the best written portion of the book. And even here, the author's grasp of the inter-relations of history, philosophical thought and literature, and his sound applications to questions of national and private duty, rescue his speculative thesis in a good measure from such a judgment as Goethe passed upon Herder's *Älteste Urkunde*, as a "mystisch weitstrahl-sinniges Ganze."

From this central height the literary landscape slopes off in both directions, in a series of animated sketches or fuller executed pictures. But they are all carefully disposed for effect, and, in the later portions of the work, are dotted everywhere with little philosophical edifices, like chapels, which invite the wanderer to enter and meditate on the "self-unfolding of the infinite." In the epilogue the final practical outcome appears in a frankly socialistic forecast of the future of the German nation, while already in the first chapters the phenomena of early German

history and life are vigorously marshalled, to the rallying cries of "individualism and collectivism."

In the first third of the book (from the beginnings to the middle of the seventeenth century) the story of German literature is freshly and dramatically told. Everywhere the author's eye singles out the modern, the interesting, the universally human, in the ancient. Where the treatment is somewhat sketchy, as in the case of Minnesong, the reader will find his account in new fields of research, not previously treated with this fulness in shorter literary histories: cf. the German mystics of the fourteenth century. As an excellent example of the historical framework in which the author is accustomed to set his literary discussions, the chapter on the Rise of the Middle Classes may be mentioned; as a bit of character painting, Gudrun (pp. 82-84).

The treatment of the modern period satisfies, in the main, in an increasing measure, but it also invites dissent. When German literature ebbs, at the beginning of the seventeenth century, our author promptly fixes the responsibility for this state of things, but his perception of poetry as an organic growth, and his study of the manifold social forces at work in the slow upward levelling, are entirely inadequate. "The sad figure of German poetry herself, bereft of her mind by the insults and persecutions heaped upon her," arouses his ire against "that most despicable of all the petty tyrants of the time, Augustus the Strong," and against—Opitz' theory of poetry. This is fighting windmills. Opitz' theory was based on the French and Dutch theories. His fault lay not here, but in writing bad poetry; and Germany's misfortune was, that few better poets immediately appeared. Germany, up to the seventeenth century, had not yet developed a distinct literary style, the old popular style serving all ranks of the nation as the universal medium of expression. England, with her Jacobean style, could make the change to pseudo-classicism, without literary convulsions or a period of partial inanition. Germany tried to become dignified and genteel and witty and pointed, in literature, all at once. Our author pays little attention to the national side of this, and as little to the international, the workings from without. The immediate result in Germany was pathological, but of profound interest in its bearings on the future. The Italian, French and English influence, that is to say, the larger group of social forces, vies in importance with the work of the bourgeois poets within. This comparative element of literary sociology is too often lacking in Francke's system, as it was in that of his favorite philosopher Fichte.

With the eighteenth century the author's theory of pantheistic collectivism enters upon far-reaching applications. The isolated individual is proscribed; each shall sacrifice his existence to the existence of the whole. Adopting Hegel's dogma, that individuals are nothing but organs of the idea of humanity, and that the only measure of their greatness is to be found in their fitness to embody this ideal, Francke succeeds well in the application to authors of the second rank; the parts fit into his system. But the same method applied to genius does not meet

with the same success. The result is more than once a mere atomizing process. This is especially the case with Goethe, in his early period. The assertion is made that the so-called "Urfaust" and "the first conception of Faust" are identical, and that this first conception is of far less significance than Lessing's. "How limited, how fragmentary, does this conception appear compared with the grand outline and the wide perspective of Lessing's Faust idea!" But it is now well known that the "Urfaust," which was never intended by the author for publication, does not contain the whole exposition of the plan as it had matured in Goethe's mind up to 1775. Nothing could be more hazardous than the attempt to limit that conception off-hand. Lessing's shadowy Faust fragments are then strangely styled by Francke a *work*, and their disappearance a national loss of the first magnitude. Erich Schmidt, whom Francke cites, speaks of sketches and fragments, and thinks Lessing may have destroyed them himself. Von Blankenburg is not to be taken too seriously; his ill-concealed suspicions of foul play on the part of the writers of the "other Fausts" are not calculated to recommend his other observations. But even imposing upon Goethe's "Urfaust" the responsibilities of the completed drama, our author's whole discussion fails to appreciate the nature of what Goethe in 1773 called "characteristic art." Goethe triumphantly maintains that such art is universal, and we know that he was then at work on Faust. One recalls just here Ben Jonson's proud distinction between his own *works* and Shakespeare's *plays*. He appears to have a premonition of our author's theory, which would be a decided gainer by this new and striking parallel, if Shakespeare were not—Shakespeare.

If we inquire why this depreciation of Goethe's early compositions is indulged in, why Götz von Berlichingen is called a "youthful effusion," and Faust "a reckless Sturm und Drang individualist," Francke's philosophical thesis furnishes a ready answer. "All of Goethe's and Schiller's greatest productions lead out of narrow, isolated, fragmentary conceptions of life into the broad daylight of universal humanity." Instead of these universal propositions, could our author not be persuaded to accept particular affirmatives, and to leave the Apollo-Goethe of twenty-five his daylight? Goethe himself did not succeed, in "Dichtung und Wahrheit," in disintegrating himself. The macrocosmic autobiographer was obliged to accept, and do deference to, his own early microcosmic personality. It has been justly said that Goethe was a law-giver to philosophy. The theories of the German idealistic philosophers will not suffer seriously, if Goethe is seen to be, in a certain sense, their ally rather than their servant. It is futile to attempt to shape him into a rung in the Hegelian ladder, up which the nation is to climb into the paradise of universal humanity. When Germany reaches that goal it will meet there, not only Goethe the sage, but also the Promethean youth who sang: "Hier sitz' ich, forme Menschen nach meinem Bilde, ein Geschlecht das mir gleich sei."

Both the period immediately preceding Goethe and Schiller and the

post-classical literature are presented in a series of well-written character sketches, abounding in just and discriminating literary criticism. The chapter on Lessing is among the more profound, that on Klopstock the most artistic. In the later period, Heinrich von Kleist, Uhland and Heine have also received excellent monographic treatment. Where the author's philosophical thesis is kept within bounds, the added interest of an ideal connection between successive authors and periods makes each part the gainer.

His social theory is more frequently a disturbing element. Some obnoxious governmental interference or villainous constitution of society is always to blame, where talent fails. We learn, with monotonous iteration, what a different Fischart, Gryphius, Jean Paul, Immermann, etc., the world would have seen, if the times had answered to our author's ideal. This is quite too paternal a treatment of great men. It recalls the point of view of Thomas Hughes, in his *Life of Alfred the Great*, that Alfred, had he lived in the present century, would have been a good English Liberal.

But if our author has carried his theories too far, this is no gauge for the work as a whole. From beginning to end, a high and remarkably even quality is maintained, in conception and presentation. The book will be welcomed by scholars and general readers alike, and the eloquent and forcible style will be a still further recommendation. In the instances where the wording or phrasing varies noticeably from received English usage, there is nearly always a gain in color and picturesqueness, with no loss of dignity.

HENRY WOOD.

*Venerabilis Baedae Historiam Ecclesiasticam Gentis Anglorum, Historiam Abbatum, Epistolam ad Ecgbertum, una cum Historia Abbatum auctore anonymo*, etc., recognovit CAROLUS PLUMMER, M. A. (Oxford: Clarendon Press. 1896. Two vols., pp. clxxviii, 458; xxxvii, 405.)

THERE are perhaps few harder tasks from one point of view, few easier from another, than the review of an edition of the work or works of a "standard" author like Bede. For in the main there are no striking positions assumed and maintained to be elucidated or attacked by the reviewer as in a history or an essay, no characters to be attacked or defended. One has not even the opportunity of writing a critical essay on the life, character, work or times of the author, in this case at least. For the place of Bede has so long been fixed, he and his work have been so thoroughly and variously discussed, that it would be worse than useless to attempt any new résumé of these, even had not Mr. Plummer in his admirable introduction made it doubly a work of supererogation. Practically, in such a case as that of this exhaustive edition, one can do little more than enumerate what the editor has done and pronounce some judgment on the manner in which he has accomplished his task.

It has now been some years since Mr. Plummer, in his edition of *Two Saxon Chronicles*, promised an edition of Bede's *Ecclesiastical History*. That which he has just issued is a worthy fulfillment of that promise. It is one of the most noteworthy editions of the year, and by far the most valuable and important edition of the *Historia Ecclesiastica* yet issued. It will come near to being the last word on the subject, for we cannot hope now that very much new illustrative matter will come to light. There have been few or no mediæval books more widely copied in time and space than Bede's history. To say nothing of the 113 copies enumerated by Hardy, one notes, among the various mediæval monastic library catalogues published from time to time, scarcely one which has not at least one copy of this great work. And from the first edition of Strassburg, 1473, to the present there have been at least twenty-five printed editions issued. Yet this one, as Mr. Plummer says, is the first since the monumental edition of Smith in 1722 that has any right to be called critical. The more recent editions, those of Stevenson, Giles, Mayor and Lumby, Moberly, the M. H. B., and even Holder's, have practically followed Smith as to text with little or no MS. collation, besides leaving much to be desired as to notes. The present edition is to be praised in both respects with little qualification. Mr. Plummer has collated the various principal MSS. with painstaking fidelity and given us at last a text which may be relied on. He has moreover taken the pains to print Bede's borrowings from other authors in italics, a practice which, though not new, save as applied to Bede, is a most valuable feature. Incidentally we are given, too, among the variant readings of the different MSS., a most valuable collection of various spellings of Anglo-Saxon names. One may express a passing regret that it has not been possible to trace the obviously borrowed first chapter descriptive of Britain and Ireland completely to its sources; and the originals of certain legends like that of St. Alban persist in not turning up.

The notes which, with the admirable and elaborate chronological tables, index and appendices, fill the second volume are no less to be commended. In particular the illustrations and elucidations from the other writings of Bede, for which Mr. Plummer has read through all his author's monumental treatises, prove his work to be a labor of love as well as of learning. Not the least valuable of the notes are the very numerous ones pertaining to Celtic sources of information, unique and invaluable for illustrating Bede's work. One may perhaps be permitted to note especially among others the remarks on Caedmon, on the pallium, on the combination of Christian and heathen practices and on idolatry.

Mr. Plummer, reluctantly enough, seems forced to give up another legend, that of St. Patrick, who was perhaps after all formed from *patricius* as St. Amphibalus was from St. Alban's cloak. He hesitates over Ewald's view as to Gregory I.'s letters in Bede being copied in England and not in Rome, but hardly comes to Mommsen's denial of this. Though he does not formally adopt he countenances the reading *editis* in his text to make sense of a passage in the famous Hallelujah-victory incident in St.



Germanus's life, which as it stands makes the valley of that victory, "surrounded by mountains in the middle," impossible physical geography.

The introduction, especially the parts referring to Bede's life and works, leaves little to be desired, illuminated as the scanty materials for his life are, by side-lights from other sources. Accurate as to text, encyclopædic as to notes, fully and carefully indexed, with marginal summaries, judicious use of various styles of type, chronological and other tables, one can recommend this as a model of what an edition should be and can wish it the fate of the original Bede, which because of its excellence so far displaced previous works of the kind that they fell into disuse and came gradually to be destroyed.

WILBUR C. ABBOTT.

*A Preliminary Treatise on Evidence at the Common Law.* Part I. Development of Trial by Jury. By JAMES BRADLEY THAYER, Weld Professor of Law at Harvard University. (Boston: Little, Brown and Co. 1896. Pp. x., 196.)

THIS little book is one of the most valuable contributions to English constitutional and legal history published in this country. It is doubly interesting and instructive, coming, as it does, from the pen of a true historical scholar as well as a master of modern law. The book has been eagerly awaited ever since portions were published in the *Harvard Law Review* some five or six years ago, and now that it has finally appeared it fully meets all expectations. On every page is given evidence of thorough acquaintance with the sources and of ability to make the right use of them.

The subject of the jury is of great importance and of far-reaching connections. In the volume before us it is treated with reference mainly to its bearing on the law of evidence. The English common-law system of evidence is radically peculiar, and its "law of evidence" is due to the institution of the jury, which England alone has used continuously and, in a strange fashion, has developed.

In the first chapter the earlier modes of trial are described and a very satisfactory explanation is given of the *secta* or suit, a relic of which is still found in modern legal phraseology.

The origin of the jury has been ascribed to the Romans, to the Celts, to Alfred the Great, and even to the Crusaders, but Professor Thayer agrees with Brunner and Stubbs and the later authorities in ascribing its introduction into England to William the Conqueror, from Normandy, where it had continued since its use by Charles the Great in the form of inquisitions in civil and in fiscal matters.

During the Norman period in England it was used by the kings in securing testimony regarding laws, customs, possessions, etc., and in eliciting evidence in connection with civil suits, but the real beginning

of its formal and systematic use is in the reign of Henry II. Up to his time its occasional use had been by royal favor; he established it as a matter of right in certain civil cases and extended its application. In the documents of his reign it appears in a two-fold form: as an inquest, assize or trial jury, and as a presentment or indictment jury. In either form it has been well defined as a "body of impartial witnesses, summoned by royal writ or authority and sworn" (hence the name, *juratores*, jurors) "before officers of the king, to declare the facts in the case or to indict persons guilty of crime." This shows the jurors in their original character as witnesses, distinguishes them from the compurgators and party witnesses of the early forms of trial, and serves to mark the contrast between the jury and the ordeal and duel. It is also worthy of note that the jury, which is regarded as the palladium of popular rights and liberty, was at first confined exclusively to the king's courts and not allowed except by royal authority.

At this point three problems arise, to the consideration of which the remaining chapters are devoted: first, to account for the substitution of the jury for other modes of trial in criminal cases; secondly, to explain the evolution of the modern juror from the early witness; and thirdly, to trace the gradual control and regulation of the testimony given.

Henry had established and extended the use of the jury in civil cases, but its application to criminal cases was not so simple. By the older law men had tried their own cases; hence "to put upon a man who had the right to go to the proof—where he produced the persons or things that cleared him—the necessity of submitting himself to the test of what a set of strangers might say, witnesses selected by a public officer—this was a wonderful thing." Certain events prepared the way. The assize of Clarendon in 1166 abolished compurgation as a mode of trial in ordinary criminal cases in the king's courts, and the Lateran Council in 1215 condemned the ordeal, a decision soon accepted in England. This left a gap ready to be filled by the new method. Inasmuch, however, as it could be used only by consent of the accused, the custom arose of compulsion by *peine forte et dure*, of which we have the first instance in 1275 and which continued until 1772.

The number of jurors varied from nine to forty, nor was unanimity required at first. Even after the number became fixed at twelve it was only in the latter part of the fourteenth century that the principle was established that in all inquests the twelve must agree in order to a good verdict. At first the jurors were witnesses, being chosen as the best informed on the matter. This implied that they were to inform themselves, and as late as 1427 the parties asked to be furnished with a list of the jurors so as to inform them. Sometimes members of the jury informed each other. Indeed, what we call a special jury seems always to have been customary, particularly in disputes over deeds, where the original jury and the witnesses of the deed were combined. In the second half of the fourteenth century a sharper distinction began to be made and the verdict proceeded from two sources, the jurors' own knowledge and the knowl-

edge derived from witnesses in open court. The jurors are thus both givers and weighers of evidence. Not until the latter half of the fifteenth century were the two classes separated and the principle established that jurors are not to be prejudiced by previous knowledge of facts. Thus from being primarily givers of evidence, they came to be only weighers of evidence.

Lastly, in regard to the nature of this evidence. At the first all kinds of evidence might be given; all through the period when the jury proceeded on their own knowledge they listened to perfectly unsupported narration of fact from counsel not under oath. There was no sifting of evidence nor cross-examination. No control was attempted until the last half of the fourteenth century, and even in the sixteenth and seventeenth centuries juries were allowed to act on their own private knowledge and on documents not known to the court or to the parties. A new trial seemed the only effective way of correcting errors.

It is hoped that this brief outline will show the importance and interest of the subject and turn the attention of many to its scholarly treatment in this little volume.

CHARLES L. WELLS.

*Les Gildes Marchandes dans les Pays-Bas au Moyen Age.* Par HERMAN VANDER LINDEN. [Recueil de Travaux publiés par la Faculté de Philosophie et Lettres de l'Université de Gand, 15<sup>e</sup> Fascicule]. (Gand, 1896. Pp. viii, 126.)

THOUGH much has been written in recent years on the functions of the gild merchant and its influence upon municipal development by Hegel, Doren, Von Below and others, every special investigation of the subject as regards some particular country or region is welcome. Historians still maintain divergent views concerning the relations of the gild merchant to the craft fraternities and concerning its influence upon the origin of the municipal constitution. The questions at issue cannot be definitely settled until we have more data, more documentary material like that which we find in Professor Vander Linden's scholarly monograph.

He believes that this gild originated spontaneously, that it did not emanate from any earlier institution. In the eleventh century there was an expansion of trade and industry; the number of merchants increased, and they felt the need of organization to protect their common interests. There are two periods in the history of the gild merchant in the Netherlands. In the first period, from the eleventh to the thirteenth century, this gild was a private association, having no public functions; it was open to all merchants, and even artisans were admitted to membership; in fact, during the twelfth century, it was considered desirable to secure as many members as possible. In the second period, which begins in the thirteenth century, the gild merchant had the monopoly of the principal branch or branches of commerce in the town, and became a public

body, forming an integral part of the town government (*un corps politique, une rouage de l'administration urbaine*); it thus lost its old autonomy, and was made subordinate to the authority of the municipal magistrates. At the same time, it became more exclusive as regards its membership, and exercised a rigid supervision over the organization of labor and over the crafts connected with the chief industry of the town, especially the cloth trade, for in most places the gild merchant comprised the cloth merchants. The craftsmen and small tradesmen were gradually excluded from membership; but in some towns, after the latter part of the thirteenth century, the democratic movement enabled the crafts to assert their rights and to throw off or diminish the irksome control of the gild merchant. In the fourteenth century the latter tended to disappear or to merge its identity in the town government, as was the case in England; thus, in many places, its functions were absorbed by the municipal council.

Professor Vander Linden seems to distinguish too sharply the two periods in the history of the gild. The mention of this institution in charters granted to Rouen and St. Omer, in the first half of the twelfth century, and to Dordrecht in 1201, indicates that the gild merchant was a "*rouage*" or integral part of the town administration in the first period of development. Probably the dearth of documentary material for the twelfth century makes the gild appear to play a less conspicuous rôle than in the thirteenth century. Another vulnerable point in Professor Vander Linden's excellent book is his account of the origin of the Hanse of London in Chapter II. We know very little concerning this commercial league, and Professor Vander Linden's contribution to our knowledge of the subject is welcome, but his theory that the Hanse of London was a mere expansion of the gild of Bruges is not supported by sufficiently convincing arguments.

The last chapter of the book contains a good account of the political rôle of the gild merchant. Our author shows that the municipal constitution in the Netherlands did not emanate from the gild: "*nulle part la gilde n'a fourni la cadre de la constitution urbaine.*" Though the gild became a public organ of government and exerted great influence in the administration of the municipality, it remained under the control of the town council. Though the municipal magistrates were usually members of the gild and sought to promote its interests, gild officers and town officers, guildsmen and burgesses, *guldenrecht* and *stadrecht* were at the outset, and continued to be, distinct conceptions.

CHARLES GROSS.

*Armada Española desde la Unión de los Reinos de Castilla y de León.*

By CESAREO FERNANDEZ DURO. Vol. I. (Madrid: "Sucesores de Rivadeneyra." 1895. Pp. 476.)

CAPTAIN DURO needs no introduction to students of naval history. The claim which he makes for the present work, the first volume of

which is now before us, is extremely modest. He calls it an endeavor to put into convenient form the widely scattered materials at his command and thus produce if not a "history of the navy fulfilling all the conditions required by modern criticism," yet a work which may serve as a basis for such a history and a starting point for the investigation of special periods.

This first volume covers the period from 1476 to 1559, or roughly speaking the first half of the epoch in which Spain took the foremost rank among the nations. Captain Duro describes the part played by the navy in that wonderful campaign of the Great Captain which resulted in the conquest of Naples, and tells us of Cardinal Ximenes' successful expedition against Oran, which gave the Spaniards temporarily a very strong position in North Africa. Yet the ambition of Spanish sailors was not confined to the narrow limits of Mediterranean. Hardy explorers and dauntless conquerors were penetrating those mysterious regions of the west which imagination filled with unheard-of beauty and incredible wealth. Captain Duro begins the story with that great historic moment when Columbus arrived in Spain after his first voyage and announced to thunderstruck Europe that he had kept his wild promise and discovered a New World beyond the seas. The author tells us of Ponce de Leon, Magellan, Cortes, Pizarro and the rest, names which kindle the imagination in childhood and lend the serious study of Spanish history an exceptional charm. Of Columbus, Duro says that as a mariner he had no superior, perhaps no equal in his time, possessing, as he did, not only perfect practical skill and those instinctive gifts which are independent of experience, but also a fund of scientific and theoretical knowledge which his own observation greatly enriched, though not so greatly as has been thought by some, for the glory of Columbus cannot be increased by attributing to him discoveries that he never made.

The reign of Charles V. was an important epoch in the development of naval warfare, as well as a period of further conquest and exploration beyond the seas. In the wars against the French in Italy Andrea Doria, the great Genoese admiral, changed sides in favor of Charles and thus takes a prominent place in the annals of the Spanish navy. In an interval of this interminable struggle with France, the emperor undertook a great expedition to North Africa. With a fleet of 400 vessels he sailed in person against Tunis, put the terrible Barbarossa to flight and took the place by storm. But it was not long before the sea-power of the Turks and Algerians under the dreaded pirate admiral became so threatening that the emperor decided upon a fresh expedition to Africa. He set out for Algiers with a huge fleet of 500 vessels, commanded by the veteran Andrea Doria. Off Algiers a terrible storm burst, in which about 150 of the emperor's ships went to pieces on the wild shore. The subsequent attack on Algiers was repulsed with heavy losses and the army re-embarked for Spain. The prestige of the Spaniards in North Africa was destroyed and their possessions soon dwindled to a few coast stations.

The concluding chapter Duro devotes to a general consideration of the navy of the Emperor Charles. The wonderful maritime activity of

his reign could not fail to produce important changes in naval architecture and tactics. Yet Charles V. did not possess, in the strict sense of the words, a royal navy. In his time all ships were armed. He hired such as he needed for his wars and simply reinforced them with fighting men. According to Captain Duro, however, his navy, if such it may be called, was surpassed by that of no Christian nation and his sailors were inspired by the ambition to make it the first in the world. "Nobody can doubt," wrote the Marquis of Mondejar in 1538, "that in order to defend his states and all Christendom, and also to suppress the infidels, it is his Majesty's duty to become ruler of the sea."

W. F. TILTON.

*Queen Elizabeth.* By MANDELL CREIGHTON, D. D., Bishop of Peterborough. (London and Paris: Boussod, Valadon and Co. 1896. Pp. ii, 199.)

DR. CREIGHTON'S *Elizabeth* is first of all a sumptuous volume of historical portraits from various royal and private collections reproduced with a tastefulness and skill that do infinite credit to the publishers. The narrative is, as the author himself tells us, secondary to the illustrations. Since the avowed chief object of the volume lies in the "attempt to bring together the most remarkable portraits of Elizabeth and her contemporaries" we may excuse the total lack of notes indicating the sources of the narrative. But there is certainly no excuse for the omission (with one exception) of all indications regarding painters and dates of the original pictures, which should have been given, if not under each illustration, at least in the list at the end of the volume. This is a need which must be felt alike by the student of history and the lover of art. It is not enough to be told by the author that the publishers "have spared no pains to bring together the most authentic and least accessible materials."

The present *édition de luxe* is soon to be followed by a cheaper edition which will put the book within reach of persons of average means. It is to be hoped that the occasional mistakes in spelling, due doubtless to the fact that the text has been printed in France, will disappear from the second issue. It is difficult, for instance, to recognize in "cavious" the "curious" intended by the author.

Since the Bishop of Peterborough<sup>1</sup> describes the object of his narrative as biographical rather than historical in the broader sense, the reader must not expect a full treatment of the age of Philip II. and the Counter-reformation, of that vast European struggle between Protestantism and the renewed Catholic Church which humbled Spain, rent France asunder, raised little Holland to a proud eminence among the nations and left England mistress of the seas and the acknowledged head of Protestant Europe. Yet Elizabeth's life was indissolubly connected with these great

<sup>1</sup> Now of London.



things, and as the author deals in turn with the crises of the reign he forces this fact irresistibly upon our attention. Dr. Creighton's style is lively, yet dignified. The diction is such as eminently benefits a great historical subject.

If the tragic experiences of her early years explain to a great extent the qualities which make Elizabeth's character such an enigma, Dr. Creighton ascribes also great influence to heredity, tracing with striking insight her caution and prudence to Henry VII., her royal imperiousness and personal charm to her father, and to Anne Boleyn her vanity, coarseness, unscrupulousness and relentless, overbearing temper. Elizabeth always remained, he says, more truly the daughter of Anne Boleyn than of Henry VIII. The greatest crisis in Elizabeth's life Dr. Creighton sees in the terrible ordeal through which she went when under examination for her relations with the Lord Admiral Seymour. "The strain to which she was then subjected," he says, "did more than anything else to form her character." Emerging from this difficulty, she devoted herself to her studies, in which she made rapid progress. Detected as a shameless coquette and found lacking in that intuitive modesty which would have enabled her to resist the grossness of Seymour's wooing, she was now wise enough to play the part of a pure and modest maiden. She became the idol of the Protestant party and could, as the daughter of Anne Boleyn, scarcely help feeling that she embodied in herself the principles of a mighty revolution.

The historian could render no greater service to the period of Elizabeth than by tracing on the ground of laborious research the gradual progress of the English people from Romanism to Protestantism. It is plainly not enough to assert in the off-hand manner of some historians that the cannon of Sir Francis Drake settled once for all the question of England's creed. The problem is one of conspicuous, perhaps insuperable difficulty, and it was obviously impossible to deal with it exhaustively in an essay like Dr. Creighton's. Still it was natural to expect some new light on the subject from the author of the *History of the Papacy*, and the student will not be wholly disappointed. For, though Dr. Creighton gives no authority for his statements, we find here and there brilliant discussions of the religious question which cannot fail to stimulate the investigator and guide him on his weary way. At the very outset the author invites controversy by his statement (p. 15) that the great majority of the English people was Protestant even before Elizabeth's accession. One cannot suppress the wish that he had given some hint of his reasons for this opinion. He ascribes to the Queen a definite ecclesiastical policy and remarks that the system which she founded has not changed from that day to this. The English people as a whole (and again one wishes for proofs) welcomed the religious settlement, for there were few staunch Romanists or fanatical Protestants. Nevertheless, two parties formed themselves outside the church, Romanists, who tried to unite Catholic Europe in destroying the heretic queen, and on the other hand, those who wished to mould the English Church into the Calvinistic

form. Both these parties, says Dr. Creighton, were dangerous to the national welfare. Yet it was the fiery, uncompromising spirit of Calvin which was fighting the battle of Protestantism on the Continent, and it may well be asked whether England was not strengthened for the great struggle against the Counter-reformation by an infusion of this same resistless spirit. In regard to Elizabeth's persecution of the Catholics, Dr. Creighton is highly apologetic and does not sufficiently emphasize its real severity. And finally he flatly denies that Elizabeth was destitute of true religious feeling. "Perhaps in nothing," he concludes, "was Elizabeth's foresight more conspicuous than in her ecclesiastical policy."

Less interesting, but by no means unimportant is that long comedy of negotiations for Elizabeth's marriage which did not end till the death of Alençon. Dr. Creighton thinks her policy in these matters was already formed at her accession. She was, he says, always ready to contemplate matrimony, but any particular alliance must be proved to be for the nation's good. He credits her with great foresight in refusing the hand of Philip II., and thinks she came to the deliberate conclusion that he would be compelled reluctantly to stand by her for fear of France. A chapter is devoted to the perplexing and sometimes revolting story of Elizabeth's fickleness and double-dealing in the negotiations for marriage with Alençon. After all, writes Dr. Creighton, this episode is "only the policy of Elizabeth writ large in a particular instance."

Dr. Creighton's solution of the problem of Amy Robsart is favorable to Dudley, whom he acquits of all complicity in the tragedy. The most probable conclusion is, he thinks, that Amy Robsart's forlorn condition so preyed upon her mind that finally in a fit of desperation she flung herself down the winding staircase. So Dudley was free, but the great political dangers on every side showed Elizabeth that she must think not of personal gratification, but of self-preservation. She seems to have recognized that marriage with Dudley was impossible and that any marriage would have weakened her position. The sad experience of her sister had demonstrated the danger of risking all in the hope of an heir, and either a husband or a recognized successor would have dwarfed her own importance. "Her strength," observes the Bishop of Peterborough, "lay in the uncertainty about the future, which bound all her followers to a personal loyalty of unswerving devotion."

As the present work is intended to be a companion volume to Skelton's *Mary Stuart*, it is natural that Dr. Creighton should enter into controversy with that able apologist upon those alluring problems of the Scottish queen's strange career that can never be satisfactorily settled. It is enough for him to show how the marriage with Bothwell and the ensuing catastrophe wrecked Elizabeth's plan of keeping Mary on the Scottish throne, weak, discredited and dependent upon the Queen of England, and how a little later, when Mary was a fugitive and a prisoner in England, Elizabeth's intention was, slightly to justify the Lords and slightly to inculcate Mary in order to make a genial compromise which would require her constant intervention. For a judicial inquiry into

Darnley's murder was impossible in itself. No impartial tribunal could be constructed to try the case.

The presence of Mary Stuart in England became an encouragement to that great conspiracy of Catholic Europe against England which culminated in the Armada. Its first great outbreak into open hostility was the rebellion of the North. The utter collapse of this attempt may be regarded as a proof that Elizabeth was at length firmly seated on the throne. "It was hopeless to overthrow her by a rebellion. For that purpose assassination or foreign invasion could alone avail." If the rising of the North was an outburst of dissatisfaction at home, the Rodolfi plot was "a deep-laid scheme for bringing to bear on England all the resources of the old religion." Its failure proved that inherent weakness in the combination which was always to reappear, until finally Philip the Second's desire was fulfilled and he was left alone to execute against heretic England the decree of divine wrath.

A few years after Mary Stuart's flight to England, Elizabeth was brought face to face with an opportunity to play a great part in Continental affairs. It was the time of Coligny's ascendancy, and it looked for a moment as if Catholics and Huguenots, Frenchmen and Englishmen might unite in humbling Spain. "It was," says the Bishop of Peterborough, "and must always remain a problem, what would have been the result on European history if Elizabeth had been capable of a bold policy; and at no time is the question more interesting than just at this period of her reign." The refusal of the sovereignty over the Netherlands is a similar illustration of her policy. Eager for small gains, she refused great opportunities. She pursued no great ideals. She wished to foster England's growth, not to imperil it by rash adventure. "She was no Amazon, but a careful housewife."

The narration now marches rapidly. We come to the execution of Mary Stuart. Elizabeth's biographer calls her action at this crisis "only an exhibition on a conspicuous scale of her habitual conduct" and does not spare strong words of censure for her miserable injustice towards Davidson.

The Armada is dismissed in very few words. Dr. Creighton thinks that England feared the Spanish fleet less than the possible landing of Parma. This view seems somewhat exaggerated, and it may well be questioned whether England was more concerned in military preparation than in the equipment of the fleet. The author defends Elizabeth from the charge of criminal parsimony at this juncture. She was, he maintains, not personally responsible. The demand that Howard and Hawkins should produce their accounts for audit marks a beginning of greater efficiency in administration and a higher standard of honor in dealing with the public money.

Dr. Creighton has given us a brilliant and delightful essay rather than a work of historical research. Though the utter lack of references, which would have been doubtless thought out of place in a production so exclusively artistic, makes it difficult to criticise particular statements,

the author's well-deserved reputation for sound learning lends those statements great weight, while the reflection and theories which he bases on established facts can be judged on their own merits and will be found deeply thoughtful and stimulating if not always convincing. Industry and learning can place the palpable events, the main facts of the period before us. It remains for the trained judgment and severely controlled imagination of the individual historian to interpret those facts and construct the personality. Nothing is more evident than that scholars of equal authority may differ as the poles; not in the importance which all must attribute to the reign of Elizabeth, but in the greatness of the part they ascribe to the queen herself in shaping England's destiny. One school of historians may emphasize the inevitable rise to greatness of a race with the characteristics and environment of the English, another may lay greatest stress upon the sagacity and tireless energy of Burghley, a third, and to this class Dr. Creighton belongs, is inclined to regard Elizabeth as wiser than her ministers and as the true teacher and leader of her people. "She saw what England might become and nursed it into the knowledge of its power." To Walsingham alone he gives the credit of having ever succeeded in forcing Elizabeth to act with decision. But no one element and no one personality can create the greatness of a nation.

W. F. TILTON.

*Puritanism in the Old World and in the New, from its Inception in the Reign of Elizabeth to the Establishment of the Puritan Theocracy in New England. A Historical Handbook.* By the Rev. J. GREGORY, Edinburgh. (New York, Chicago and Toronto: Fleming H. Revell Company. 1896. Pp. x, 406.)

UNDER this title a prominent Scotch Congregationalist has gathered the gleanings of extensive reading in the modern literature of Puritanism, and of occasional, though much less full, examination of its sources. The author disclaims all intention of writing a "history of English Puritanism," preferring the "form of a handbook" to the more ambitious attempt. The work thus described is interesting and readable, bearing evidence of much painstaking industry in assembling material and in collecting the opinions of many writers who have treated the Puritans from the most diverse points of view. Various aspects of Puritanism and of leading Puritan character are discussed in short paragraphs, the whole being arranged in general chronologic sequence and tracing the outline of the movement from its beginnings to about the time of the union of the four Congregational colonies of New England. No cause could wish for a more fervent or admiring champion. Yet the impression of the work is in large degree disappointing. The limitations of the author's method produce a feeling not so much of condensation as of fragmentariness. Though the parental relationship of Puritanism to free institu-

tions and to modern democracy is vigorously asserted, the reader feels that the general connection of the Puritan movement with its political and social environment is but partially indicated, and that Mr. Gregory might well have followed the story of English Puritanism further than the reign of Elizabeth without transgressing the bounds which he has set for himself in the title of his volume. The evident and cheerfully acknowledged bias of the author has occasionally led him into assertions of a high degree of rashness, as, for example, the declaration that the Reformers "certainly succeeded in setting up a Church as different from and as diametrically opposed to the Church which it supplanted as Christianity is opposed to Hindooism." There are also a considerable number of errors, of no great importance when taken singly, perhaps, but making in the aggregate a disfigurement to the handbook; the numbering of Cotton Mather among those prominent in New England circles of 1648 is an illustration.

W. W.

*Napoléon et Alexandre I<sup>er</sup>. L'Alliance Russe sous le premier Empire.*

Par ALBERT VANDAL. Tome III. La Rupture. (Paris: Plon, Nourrit et Cie. 1896. Pp. 607.)

COUNT VANDAL'S belief in the wisdom and stability of the present alliance between France and Russia gives point to his criticisms of the Tilsit agreement as he writes the story of its failure. His first volumes described the relations of Alexander and Napoleon from their meeting on the raft in the Niemen until the end of 1810. This, the third, volume explains the steps by which both emperors abandoned an impossible position and prepared for the inevitable struggle. The last incident related in it is Napoleon's interview at Wilna, July 1, 1812, with Balachof, Alexander's emissary, some days after the Grand Army had crossed the Niemen and after the Russians had begun their strategic retreat. The struggle was inevitable, acutely remarks Count Vandal, because the rights which Napoleon could justly claim, in accordance with the treaty, had been created "à coups d'épée" and were for the conquered Russians "une conséquence de la défaite, une forme de la contrainte, et la contrainte ne maintient ses effets qu'à condition d'agir et de renouveler ses prises." "Il y a," he adds, "conflit insoluble entre le droit napoléonien et le droit naturel des États à s'orienter suivant leurs intérêts momentanés ou leurs inclinations, et le premier, fondé uniquement sur la victoire, portant en lui ce vice irrémissible, ne peut se soutenir que par la permanence et la continuité de la victoire."

Actual fighting did not begin for more than a year after the last sincere efforts to reach a good understanding had failed. Napoleon wished first not merely to organize the Grand Army, but also to move it across Germany so that he might strike the Russians within their own frontiers. This was exactly what Alexander wanted and was determined to wait for,

as soon as he became convinced that his best allies were the Russian climate and the vast spaces of the interior. Moreover, he needed time to push his operations against the Turks to a favorable conclusion. Meanwhile each emperor conducted a series of diplomatic manoeuvres which for duplicity are unrivalled in the annals of "backstairs" intrigue. One negotiator, Count Loewenhielm, who arranged with Alexander the transfer of Norway to Sweden as the price of Bernadotte's defection from Napoleon, naïvely described the diplomacy of the period, when, referring to the scruples the Czar must be supposed to feel against taking a hand in such an act of spoliation, he wrote from St. Petersburg, March 3, 1812: "Quelque peu que les principes de la justice soient en général admis dans les stipulations des puissances, les souverains ont toujours cherché à en colorer leurs vues, et il n'y a que l'empereur des Français dont la bonne foi plus audacieuse se soit mise au-dessus de cet usage."

With less skillful telling the story of this prolonged diplomatic fencing might become hopelessly intricate and puzzling, not to say tedious. But under Count Vandal's management it is clear, dramatic in its movement, with here and there the meaning of a whole group of incidents seized in a phrase. What could be more brilliant than the two lines in which are summed up the operations by which the Russians are to be checked in case they attempt an offensive campaign in 1811: "Napoléon les immobilisera sur la pointe de son épée, tendue au travers de l'Allemagne et insinuée jusqu'à la Vistule!"

Perhaps Count Vandal's most important contributions to the knowledge of the period are to be found in his description of the events which had determining weight in the minds of the two emperors when the question of war or peace was still undecided. After Alexander was obliged to give up his first plan of attacking Napoleon in the spring of 1811, supported by Germany and a kingdom of Poland reconstituted in the Russian interest, he was inclined to rely upon his military resources, accumulated for the projected war, to enable him safely to act as a neutral in the struggle between Napoleon and the English. Before this scheme had mastered his mind, however, the Chancellor Roumiantsof suggested that, if the dispossessed Duke of Oldenburg were given a portion of the Duchy of Warsaw as an indemnity, the Polish problem would be solved in a way as favorable to Russia as the original plan had seemed to be. For if once the vain expectations of the Poles were disappointed nothing could hinder the process of disintegration in the ephemeral state; and in some one of the conflicts which were at the very doors, the remnants would be engulfed in the wave of the advancing Slavic power. Could the Czar succeed in warding off the Polish peril he would be quite ready to modify his obnoxious ukase of December 31 excluding French goods, and to check the growing English commerce with Russia so thinly disguised under the American flag. Consequently Count Vandal shows Alexander, late in March, just when in accordance with his previous orders his troops were being massed near the frontier, sending off his confidential agent Tchernitchef, "l'éternel postillon," as De Maistre



called him, to Paris with orders to offer a compromise which should hint as clearly as was safe at some new dismemberment of Poland. But news had reached France of the movements of Russian troops. In a few lines Count Vandal sums up the awkward situation. He writes; "À l'instant où le péril s' éloigne, Napoléon va l'apercevoir: il va se le figurer immédiat et pressant, se croire sous le coup d' une attaque, répondre instantanément au défi et précipiter le mouvement de ses troupes: par une coïncidence fatale, il va en même temps recevoir l'offre conciliatrice et sentir la menace."

Napoleon was naturally alarmed as the evidence of Russia's warlike preparations kept coming in from his agents in Warsaw, but he was unable, from the carefully veiled suggestions of Tchernitchef, to comprehend the nature of the Czar's demands. As the days passed and he began to realize the immensity of his own resources his desire for peace gradually disappeared. Caulaincourt, who had been recalled from St. Petersburg, reached Paris, June 5th, convinced of Alexander's pacific intentions, and convinced also that Alexander would never yield should the struggle once begin. The same day he had a most remarkable conversation with Napoleon, the detailed impressions of which Count Vandal is able to give from private papers to which he has had access. As a final appeal Caulaincourt declared, "La guerre et la paix sont entre les mains de Votre Majesté. Je la supplie de réfléchir pour son propre bonheur et pour le bien de la France qu'elle va choisir entre les inconvénients de l'une et les avantages bien certain de l'autre." "Vous parlez comme un russe," says Napoleon, "redevenu sévère." "Non, Sire, comme un bon Français, comme un fidèle serviteur de Votre Majesté." It was not until Alexander had waited in vain for the peaceful overtures he expected as a consequence of Caulaincourt's return that at last he threw all hesitations aside and resolutely prepared for war.

Count Vandal believes that the very elaborateness of Napoleon's preparations in the months which followed compromised the success of his expedition. The machine was too elaborate; it tempted disaster. In fact it broke down before the Niemen was crossed. The starving and marauding bands which entered Russian Poland as the advance-guard of the Grand Army chilled the enthusiasm which the emperor expected would greet his approach. As one reads this portion of Vandal's narrative one has the feeling that Napoleon would have gladly withdrawn had it not been too late.

If Count Vandal's account fails anywhere it is in giving such slight emphasis to the part the English played in the diplomatic drama of 1811 and 1812.

HENRY E. BOURNE.

*The Historical Development of Modern Europe*, from the Congress of Vienna to the Present Time. By CHARLES M. ANDREWS, Associate Professor of History in Bryn Mawr College. Vol. I. 1815-1850. (London and New York: G. P. Putnam's Sons. 1896. Pp. vii, 457.)

IN this first volume of his work, Professor Andrews discusses two subjects: first, the development of ideas and events during the revolutionary and Napoleonic eras; second, the struggle, from 1815 to 1850, in France, Italy and Germany, to secure a popular, constitutional government upon a more or less democratic basis. The three chapters in which the author analyses the forces of the French Revolution form an introductory essay, a prologue to the subsequent play. This prologue, in which Napoleon is necessarily the leading actor, is a well-wrought model of carefully condensed description and generalization. The Thirty Years' War had been a rebellion against the doctrine of a universal church and empire and it established, instead of that mediæval conception, the principle of the supremacy of each state, i. e., of each sovereign prince, in both religion and politics. The French Revolution asserted the transfer of sovereignty from the prince to the people as a whole, but with the transfer of sovereignty there went also all the aristocratic administrative machinery of the age of absolutism. The sovereign people must be as unhampered as the sovereign despot had been. Therefore, while the idea of popular sovereignty excited a novel sentiment of patriotism, evoked the mighty spirit of nationality and fostered the new philosophic conception of the rights of man, side by side with these flourished a tyranny of the organs of popular sovereignty, first of the majority in the Chamber, then of the army, and finally of the idol of the army. Napoleon gave permanent expression to part of the revolutionary ideals, but by the methods of the *Grand Monarque*. Out of the revolutionary formula, "Liberty, Equality, Fraternity," Napoleon preserved one-third, "Equality." It was realized in promotions in the civil and military service without regard to lineage or creed, in the removal of restrictions upon local traffic, in the democratic justice of the Code Napoleon. Though Napoleon was thus a product of the Revolution, he was, as a new Cæsar, its direst foe. The sentiment of national unity inherent in the new ideals of the age conquered Napoleon, and the monarchs of Europe hastened to seize the fruits of the victory.

In the treaties underlying the last coalitions against Napoleon, Professor Andrews marks the recognition of moral obligations resting upon individual states in their mutual relations as something previously unknown. The duty of service between nations was at first a part of the livery of Heaven that Metternich stole to serve the devil of absolutism in. In this disguise he directed the congresses of the United States of Europe, by whose power he hoped to stifle the parliamentary idea, or at least to confine it to what he termed "the mad-houses" of London and Paris. In the narrative of the ensuing conflict between the Continental

Liberals and the Metternich régime, Professor Andrews devotes three chapters to the political history of France from 1815 to 1848, and the remaining four chapters tell the story of agitation and repression in Italy, Germany and Austria during the same period. In all these chapters, which comprise two-thirds of the book, the author confines himself strictly to the campaign for representative governments, and scarcely ventures outside of the beaten tracks of political and diplomatic history. The evolution of religious and literary forces in that epoch is adverted to only when it contributes directly to political life and even then but scantily, as in the case of Lamennais in either his earlier or later character, of Chateaubriand, of Gioberti and the Jesuits, and of Hegel. Prior to the revolution of 1848 the socialist and communist gospels of the age, an age of social fermentation, are dismissed within five pages. The industrial and commercial development of the Continent during the first half-century is represented only by occasional references to the character of the bourgeoisie and by the story of the Zollverein.

In the second volume, hereafter to appear, the author announces chapters upon the Second Empire, the Crimean War, Italian unity, the growth of Prussia and German unity, the reorganization of Austria-Hungary, the Eastern Question since 1856, and European history since 1870. In view of the limitations of subject as revealed in the plan of this work, it would seem that its title would be more accurately descriptive if the word "Political" should be substituted for the adjective "Historical." If the historical development of modern Europe is to be adequately considered in successive studies of separate movements or events, according to Professor Andrews's judicious plan, the topic must include much more than the stories of the establishment of parliamentary governments of new states founded on the sentiments of racial unity, and of the Eastern Question. It should include also a study of the religious history of the Continent and especially of the Catholic Church from Gregory XVI. to Leo XIII.; the story of the *Culturkampf* is really endless. It should include the rise and progress of socialism as an economic or social doctrine as well as a political force. It should discuss the gradual Europeanization of the world, which has extended the point of impact between the English and Russian colossi from Constantinople to Central Asia and which has annexed Africa to its northern neighbor. In politics, literature and philosophy its range of view should be as wide as that from Freeman's *Historical Geography of Europe* to Hegel's *Philosophy of History*, or from the classic majesty of Goethe at the beginning of the century to the Hebraic skins, locusts and wild honey of the evangelist Tolstoi at its end. Professor Andrews has really addressed himself to a much more modest task than this, and he has begun it well. His outline of the political history of Central Europe presents a wide and scholarly view of the subject, clearly and easily told, not overburdened with details of fact but enriched with careful and suggestive generalization. It is more interesting and instructive than Fyffe's *Modern Europe*, and it is equally trustworthy. Müller's *Political History of Recent Times* com-

presses more of the facts of history within smaller space, but it lacks almost entirely the leisurely judgments and discussion of political relations which will render Professor Andrews's work useful to the general reader.

There are two maps, both showing Europe after 1815.

CHARLES H. LEVERMORE.

*Histoire du Second Empire.* Par PIERRE DE LA GORCE. Tome troisième. (Paris: Plon, Nourrit et Cie. 1896. Pp. 485.)

THE third volume of M. de la Gorce's history of the Second Empire has all the excellence that characterized the two that preceded it—wealth of detail, vigor of presentation, largeness of view and impartiality of treatment. It opens with the Austro-Sardinian war of 1859, traces the history of that war, the defection of Napoleon at Villafranca, and the negotiations and intrigues that led to Italian unity. With care and thoroughness the author works his way through the plots and counterplots that made possible the annexation of the central Italian provinces to Piedmont, and he closes the first part of his presentation with the meeting of the first Italian Parliament, at Turin, in April, 1860, and the cession of Savoy and Nice during the two months following. At this point three chapters, devoted to *Traité de Commerce*, *L'Expédition de Chine* and *Massacres de Syrie* are introduced. With the completion of these interpolated essays, for they are nothing else, M. de la Gorce resumes his study of Italian history and discusses the expedition of Garibaldi to Sicily, the seizure of the papal provinces of Umbria and the Marches, and the final triumph of Cavour's policy. The closing chapters of the volume carry the reader almost for the first time to the soil of France and examine from that standpoint the remaining events in Italian history to the death of Cavour, in 1861. At the same time these chapters, in taking up the decree of November 24, 1860, whereby the address to the throne, abolished in 1852, was restored to the constitution, prepare us for a later discussion of the constitutional transformation which brought into existence in 1869-70 the liberal empire.

That which this volume brings out with startling clearness is that the history of the Second Empire is the history of a personal supremacy and not the history of a nation, the French, or of a land, France. It is not an account of the social and economic development of a people, of their trade and industry, of their prosperity and discontent, but rather is it the tale of wars, treaties and intriguing diplomacy, of the attempts of a Napoleon to cut a figure in the affairs of Europe. Furthermore, a second glance shows that even Napoleon holds second place and that we are here studying the consummate audacity of Cavour as in the later volumes we shall study the equally superb audacity of Bismarck. And the volume shows why that audacity was successful, in that it was supported by the growing sentiment for union in Italy, which, by substituting a new law for Europe based on the affinities for the old law based on

treaties and ideas of legitimacy, effected a momentous change in the character of European diplomacy.

CHARLES M. ANDREWS.

*Guide to the Study of American History.* By EDWARD CHANNING, Ph. D., and ALBERT BUSHNELL HART, Ph. D., Assistant Professors of History in Harvard University. (Boston and London: Ginn and Co. 1896. Pp. xvi, 471.)

If there has ever been printed a duodecimo volume more useful than this to the student and the teacher of American history, it is not known to the present reviewer. Indeed, it would be difficult to devise a book combining in itself more of the elements of practical utility. The purpose of the authors is two-fold. They wish to convey a mass of suggestions respecting methods of work in American history, and to furnish a scheme of topics so supplied with references that it will, in all the most important parts of the field, guide the student in his special inquiries. The body of suggestions on method, which constitutes nearly half the book, has not the rigorous scheme and the air of philosophical system which marks the German books of methodology; but to American eyes it will not seem the less practically useful on that account, for, in arrangement as well as in contents, it abounds in common sense. If we might question the propriety of separating the long chapter on the general bibliography of American history (in Part I.) from the detailed bibliographies which constitute Parts II. and III., at any rate the arrangement is everywhere clear and intelligible. The part devoted to methods is full of useful and practical hints, derived not only from the authors' ample experience in teaching large classes and single investigators, but also, it is evident, from catholic observation of the plans followed by other American teachers. The needs of teachers in schools are considered, as well as those of collegiate teachers and students. The chapters in this part treat of the subject-matter as a whole and its most practicable sub-divisions; of methods in general; of the general bibliography of American history; of working libraries; of various forms of class exercises; of reading; of various sorts of written work and of tests. Of these chapters the longest (pp. 30-142) is that on bibliography in general, which gives lists of useful books on method and of bibliographical aids, of general reference-books, of text-books and general histories, of books of travellers, of biographies, of the periodicals and newspapers most often brought into historical service, of the official printed documents of the colonies and of the United States, and of other important classes of sources. The printed records of the states, for the period since the Revolution, seem to be neglected; indeed, the extent and importance of such records seems (p. 107) to be underestimated. It is likely that the lists respectively occupying pp. 78-86, 86-101, 127-132, 137-142, would gain in utility by being broken up into chronological sections. The authors' plan contemplates only a

selection of the most useful books of each class, and precludes them from much discriminating annotation of the lists which they present. But they everywhere refer to completer bibliographies for the use of the more special inquirers, and their selections are made with great judgment and are as abundant as the size of the book will permit.

These remarks apply equally to the second part of the book (Parts II. and III.), which consists of topics and references in colonial history and in that of the United States. The field is divided into 138 sections, each with a topical heading, with its leading sub-divisions stated. Then follows for each a brief bibliography, in four parts: First, detailed references to passages in general historical books; second, references to accounts more special; third, to the sources; fourth, to special bibliographies. All such collections of references, summing up what has been hitherto done in American history, make evident the gaps which, in adherence to traditional lines of work, we have allowed to remain unfilled—our neglect of our economic history, excepting the history of the federal finances, the slightness of our studies into the colonial institutions of the eighteenth century, the lack of serious books or even minor studies upon the history of the states since 1783. The topics are continued to the year 1865. There is an excellent index, of ingenious plan.

*The German Pietists of Provincial Pennsylvania, 1694-1708.* By JULIUS FRIEDRICH SACHSE, Life Member of the Historical Society of Pennsylvania, etc. (Philadelphia: Printed for the Author. 1895. Pp. xviii, 504.)

THIS is a book of high typographical excellence. The fine paper, clear type and profuse illustrations delight the eye. It contains twenty-two full-page plates, and two hundred and eight smaller illustrations, chiefly reproductions of documents and relics which the author has himself photographed.

The contributions made by the Germans to the colonial history of this country has been greatly overlooked. With most commendable zeal and industry, Mr. Sachse is devoting his time to more thorough investigations concerning the early history of the Germans in Pennsylvania, utilizing all material accessible in Philadelphia and its neighborhood, and supplementing it by personal research amidst the rich storehouses of records in Germany.

This volume must not be regarded as a general history of the various German pietistic sects of Pennsylvania. It is limited to the brief career of but one of these, composed of forty men, the adherents of the dismissed Württemberg pastor, Rev. J. J. Zimmerman, who on June 23, 1694, landed at Philadelphia, and established a Rosicrucian monastery along the romantic Wissahickon, in the neighborhood of Germantown. In religion, firm in their professed adherence to the doctrines of the Lutheran Church, but at the same time mystics, chiliasts and theosoph-



ists, and in science alchemists and astrologers, they fled into the wilderness to await the coming of the Lord, and from the observatory of their home peered through the telescope to learn from the motion of the heavenly bodies the first indications of that critical moment. The community soon disintegrated through rivalry between the leaders, the attractions of family life, and the inevitable consequences of interest in questions that were agitating the world nearest them.

The historical importance of the community was, however, far-reaching. Four names connected with it are especially notable. John Kelpius (b. 1673), their leader, a native of Transylvania, and a graduate of the University of Altdorf, spent much of his time in an artificially constructed cave, and died of consumption in 1708, expecting until almost the last moment that he would be transferred bodily to the heavenly kingdom. The publications and MSS. of Kelpius are described in full.

Henry Bernard Köster, whom Mr. Sachse describes as "the most heroic figure in the history of the German Pietists of Pennsylvania," born in Westphalia in 1662, came from a family of scholars, was a university graduate, and had attained reputation as a teacher before entering into the movement. He combined width of attainments with executive ability and aggressive spirit. The differences between him and Kelpius culminated in his withdrawing a portion of the community, and establishing at Plymouth, north of Germantown, "The True Church of Philadelphia." His restless spirit led him to take an active part in the controversy then agitating the Quakers, as an advocate of the Keithians. The absence of any preaching services among the inhabitants of Germantown was supplied by religious meetings which he held in both the German and the English languages. Through his agency, the Church of England was induced to make provision for its people in Philadelphia and the neighborhood. Baptizing a number of Keithians by immersion in the Delaware, he is closely connected with the early history of the Baptists of Pennsylvania. But he was unable to identify himself as a member with either of these bodies, upon the professed ground of his adherence to Lutheran principles. Returning to Germany, in 1699, after but five years' residence in America, he was diligent as a teacher and writer, chiefly in philology, until his death in Hanover in 1749.

The new light in which Mr. Sachse's book places Daniel Falkner deserves particular acknowledgment. Falkner was an alumnus of the University of Erfurt, and an intimate friend of A. H. Francke. Supplanting Pastorius in 1700 as the land-agent of the Frankfort Company and of William Penn in Germantown and Manatawny, and as bailiff of Germantown, he was involved in a controversy with the former, from which his memory has rested under a cloud. Mr. Sachse vindicates it upon the basis of hitherto unknown documents and shows that Daniel, and not Justus, Falkner was the first regular German pastor, at Falkner's Swamp, Montgomery Co., Pa. Daniel Falkner was subsequently the founder of the Lutheran Church in New Jersey.

Justus Falkner, the younger brother of Daniel, who came over from

Germany with the latter, on his second trip, is a still more interesting character. The first minister ordained in Pennsylvania (the rite was that of the Swedish Church, and the place was the now venerable Gloria Dei Church, in 1703), his gifts as a hymn-writer, and his long pastorate in New York, have hitherto attracted more attention to him than to his brother.

The author supports his positions with an extraordinary amount of evidence, which the application of photography to engraving has rendered accessible. The material is grouped into two sections, the first dealing with the history of the colony, and the second with the biography of some of its members. Philadelphians will be interested in the care Mr. Sachse has taken to identify the localities connected with this romantic episode in the early history of their city, and to trace every point of its connection with local history. The author does not write from the standpoint of the pure antiquarian, but of one who knows how to prize present surroundings because of their historical associations. The book is gracefully written, with the glow of feeling that may be expected wherever the investigator takes a deep interest in his subject. Our only criticism is that a somewhat different grouping of the material would add greatly to the popularity of the book; but this is a matter of minor importance.

H. E. JACOBS.

*The Province of Quebec and the Early American Revolution.* By VICTOR COFFIN, Ph. D., Assistant Professor of European History in the University of Wisconsin. [Bulletin of the University of Wisconsin—History Series, I. 3.] (Madison: Published by the University. 1896. Pp. xvii, 275-562.)

THE imperial act of Great Britain, known as the Quebec Act of 1774, has always commanded the attention of the historical student. Dr. Coffin has given us a monograph of some length examining its origin, cause and influences. His work is one of labor and research and he sustains his views by authorities drawn from the Canadian archives at Ottawa.

After the conquest of Canada it became necessary to establish some form of government to preserve order. The articles of final capitulation were signed on the 8th of September, 1760. It is at this date that Dr. Coffin commences his history.

The first act of the British government was the royal proclamation of the 7th of October of this year, establishing the limits of Canada in connection with those of the governments of East and West Florida and Grenada. This topographical description was given in so clumsy a manner as to be unintelligible; it must suffice to say that it excluded the greater part of the present province of Ontario. In the same bungling spirit, it was declared that in these several colonies respectively, so soon as their state and circumstances would admit, general assemblies . . . in such manner and form . . . as in the colonies and provinces of America, would be summoned.

This stipulation was not fulfilled until 1791, on the passage of the act which divided this province into Upper and Lower Canada, each with its legislature. Hence it was the constant object of demand on the part of the limited population of old subjects who had found their way northerly. Dr. Coffin assails the well-known dispatch of Murray, of the 20th of August, 1766, in which he describes these old subjects as a set of adventurers. Dr. Coffin represents them as imbued with a certain degree of the American spirit, and determined to lose no opportunity of pressing their claims for the establishment of English law and an assembly (p. 398).

The Quebec Act was passed on the 7th of October, 1774, and it attracted great attention in the old provinces, for it became law in the crisis of the American Revolution. The governors of Canada up to this date were Murray and Carleton; to the high qualities of both Dr. Coffin does full justice; he, however, shows a disposition to believe in the justice of the complaint of Murray's arrogance, but recognizes the higher qualities of Carleton. Murray was recalled in 1766. Carleton remained in office until 1778, for four years after the passage of the Quebec Act.

Dr. Coffin describes the conditions of Canada from the conquest onwards. In his view too much consideration was shown the seigniors; the *habitants* he regards as desiring nothing more in regard to religion than the measures necessary for the enjoyment of its voluntary features, and he believes that they were already distinctly opposed to its legal establishment with compulsory powers (p. 285). There were at this date about 65,000 French Canadian Roman Catholics; the lists of the Protestants obtained by Murray scarcely reached 200. The grand jury of Quebec in 1764 presented that as there was no house of assembly the grand jury was the one body representing the people, that it should be consulted in the passage of laws, and that the public accounts should be laid before that body twice a year. There was one claim which was only partially signed, complaining that persons professing the religion of Rome and recognizing the supremacy of the pope should be sworn as jurors, in open violation of our most sacred laws and liberty and tending to the entire subversion of the Protestant religion. We have in these simple facts the justification that may be offered for the provisions of the Quebec Act framed on the theory that the creation of a house of assembly was not expedient.

It must be conceded that an enactment was necessary to define the boundaries of Canada and the system of government which it was indispensable to establish. Dr. Coffin tells us that closer investigation will show that the disastrous influence of the measure was as great in affecting the mind of the old British provinces as the more direct attacks on colonial institutions then experienced, and that it was natural to regard the act in connection with the coercive measures then being enacted. Far from being surprised at the strong feeling of indignation entertained by the Revolutionary fathers, his wonder has been aroused at finding their suspicions to be so utterly without foundation (p. 529). All the important provisions of the act had been decided previous to 1770. In

1763 the action taken with regard to the western lands was a re-affirmation of what had been proposed in 1756. The peace negotiations had included Canada with all its dependencies. In 1763 it was suggested that the western territory should be governed by the commander-in-chief, and the proposal to place it under the control of Canada was rejected as giving to the province an undue advantage in the fur trade. It was only from the feeling of the impossibility of any other arrangement that the western territory was finally assigned to Canada, and not from any hostility to the southern provinces.

The protest of Congress against the encouragement of the Roman Catholic religion by permitting the priests to hold, receive and enjoy the accustomed dues and rights, and against the recognition of French civil law by which the existence of a French Canadian province was assured, are matters of history. On this point Dr. Coffin speaks very strongly. He urges that it was the duty of Great Britain to start the province as an English, not as a French community, and that the act which determined the ecclesiastical condition and the civil code handed Canada over to a French Canadian population.

Dr. Coffin assigns to this feeling the abandonment by the United Empire Loyalists of Lower Canada. No such unfortunate exodus was contemplated in 1774, and when it took place climatical conditions had much to do in influencing the choice of the new home. Dr. Coffin summarizes his view of this matter in the sentence that it is not an extreme view to regard the great difficulties that beset English rule in Canada and the grave problems that confront the Dominion as a natural and logical development of the policy of the Quebec Act (p. 540).

Although we are by no means certain that Dr. Coffin's views will obtain universal recognition, it is but an act of duty to do justice to his industry and research in placing the question so fully and ably before the historical student. He has himself afforded the means of fairly considering his theories, and his work is really indispensable to any one who desires to master this somewhat difficult question. It should certainly obtain attention, especially in Canada, for it throws light on much affecting the modern politics of the Dominion.

*The Writings of John Dickinson.* Vol. I. Political Writings, 1764-1774. Edited by PAUL LEICESTER FORD. (Philadelphia: The Historical Society of Pennsylvania. 1896. Pp. xxii, 501.)

THIS, Vol. II. of the *Life and Writings of John Dickinson*, and Vol. XIV. of the *Memoirs* of the Historical Society of Pennsylvania, had the way prepared by the preceding volume of the series, *The Life and Times of John Dickinson, 1732-1808*, by Charles J. Stillé, LL. D., published by the same society in 1891. In that able and scholarly work Dr. Stillé gave the first adequate presentation of the personality of John Dickinson and of his influence upon the men and events of his day. Mr. Ford, with his accustomed patience and industry, aided by his wide knowledge

of the literature of the epoch, has brought to light, from contemporary broadsides, newspapers, forgotten pamphlets and original manuscripts, many papers by Dickinson, heretofore practically unknown. With this added material, together with that already familiar to us, the editor announces that there will be a second volume of the *Political Writings* and a third volume of correspondence. Some of the papers presented in this volume for the first time to readers of this century are quite equal in force and breadth of statesmanship to many of the author's better known publications. As was to be expected, they are all in line with his unceasing efforts, tending to one end—to secure self-government for the American people. From this he never swerved, and to this singleness of purpose is, of course, due much of his influence in shaping events in his day. When Dickinson published his *Writings*, in 1801, he naturally omitted many papers which related to ephemeral issues, and especially to personal controversies with antagonists then long deceased. Mr. Ford has wisely included these papers in the new edition. We say wisely, for nothing better illustrates the temper of the man, and the temper of the times in which they were written, to say nothing of their value for the estimates they often give of Dickinson's contemporaries. His well-known speech, of May 24, 1764, wherein he warned Pennsylvanians of the danger they ran in fleeing from the evils of proprietary government to the worse dangers of rule by an English ministry, is here supplemented by several other papers in the same connection, from his pen, but hitherto not reprinted. In like manner his resolutions and speeches on the Stamp Act, widely printed at the time, and reprinted in his *Writings*, are here supplemented by other important contributions of his to the literature of the subject, almost if not quite unknown to most students of history. Among the other new material given may be mentioned the author's "Song for American Freedom," containing the suggestive lines, "By uniting we stand, by dividing we fall;" also four *Letters to the Inhabitants of the British Colonies*, published in 1774, in relation to the Boston Port Bill. Each of the papers in this handsome volume is enriched by explanatory and bibliographical notes by Mr. Ford; fac-similes are given of the "Song" above mentioned, and also of the title-pages of the several pamphlets. It is to be hoped that the other volumes of the *Writings* will be forthcoming soon.

WILLIAM NELSON.

*Conquest of the Country Northwest of the River Ohio, 1778-1783, and Life of Gen. George Rogers Clark.* By WILLIAM HAYDEN ENGLISH, President of the Indiana Historical Society. (Indianapolis and Kansas City: The Bowen-Merrill Company. 1896. Two vols., pp. 1186.)

THE death of the author of this work followed shortly after its completion. He was a prominent citizen of Indiana and President of the State Historical Society of that state, and in 1880 he received the Demo-

cratic nomination for the Vice-Presidency of the United States. He was not a trained historian and was led to the studies which resulted in these volumes primarily by his interest in the local and genealogical aspects of his subject. He tells us in his preface :

"The author, born and brought up on the borders of Clark's grant, of a family which furnished Clark three officers in his campaign against the British, and was allied to his family in early times by marriage, naturally felt an interest in the great historic events of Clark's life."

The work contains much carefully prepared material on the early life of Clark and the careers of men connected with him, but it is very defective in historical organization. The author shows no capacity for arrangement and perspective in his work, and the literary style is not attractive. He does not attempt any broadly based defense of his main thesis, that the conquest of the Illinois country by George Rogers Clark gave us the Northwest in the treaty of peace negotiated with the mother country. As a matter of fact, the effective consideration with the British authorities seems to have been Franklin's argument that a liberal peace, granting the Mississippi boundary, among other things, was the price of conciliation between the two countries, and in Parliament Shelburne defended his action by arguing that the fur trade of the Northwest was not sufficiently profitable to warrant the retention of the country.

Whatever may be thought of the importance of Clark's conquest, it was a remarkable and noteworthy event in the Revolution and in the history of the West, and Mr. English's work is useful in the amount of illustrative material he has got together on his subject. He was an eager and jealous collector of original letters, and in his book gives a number of hitherto unpublished letters in fac-simile, including the interesting joint letter of Wythe, Mason and Jefferson to Clark, assuring him of the readiness of Virginia to grant lands to the soldiers who should follow Clark.

Beginning with the genealogy and early life of Clark, Mr. English sketches his career to the initiation of the Illinois campaign, in two chapters, and devotes the rest of his first volume to an extended account of the campaign. In this volume he prints also Clark's letters describing his campaigns. These are: (1) An account written at Vincennes, apparently on February 27, 1779, which was a report to the governor of Virginia, of his attack on Vincennes. This is an incomplete copy of the original, which was taken from Clark's messenger, who was killed by the Indians. The original seems to be lost, but this fragmentary copy is in the Canadian archives. It is spoken of in this book as if hitherto unpublished; but it was printed (more accurately) in the first number of this REVIEW (Vol. I., pp. 91-94). (2) Letter to Thomas Jefferson, April 29, 1779, after Clark had heard of the capture of his messenger. Substantially the same letter is published in Henry's *Life of Patrick Henry*, as addressed to the latter. (3) Letter to George Mason, from Louisville, November 19, 1779, reprinted from the Ohio Valley Historical Series, No. 3, *Clark's Campaign in the Illinois*, 1869. This is the most



important source for the whole movement. (5) Clark's Memoir, written later (perhaps in 1791) and containing a fuller and more ambitious narrative, but not so nearly contemporaneous as the previous letter to Mason. This Memoir Mr. English prints in full for the first time from the copy from which Dillon made the extensive extracts published in his *History of Indiana*. Mr. English compared it with Colonel Durrett's copy, at Louisville, and "partly" with the original in the Draper Collection, the property of the State Historical Society of Wisconsin. He also reprints various other important documents, such as Major Bowman's Journal. Unfortunately, Mr. English's editorial canons were very bad ones. He corrects and modernizes the spelling and grammar of these documents. Comparing his reprint of Clark's Memoir with Mr. Dillon's extracts, we find that he uses parentheses where Dillon uses brackets or footnotes, for explanatory material not in the Draper original, and that he gives no indication whether this matter in parentheses represents the original text or is interpolated by another hand. It may be that the copy which he and Dillon used is correctly reprinted by him and not by Dillon; but it is obviously a grave blunder to use another text when the original was to be had. It is to be hoped that a reprint of this memoir in its exact form may before long be given to the public.

The second volume contains accounts of the captivity of Hamilton, including the hardships to which he was subjected as measures of retaliation; of the building and siege of Fort Jefferson; and of Clark's later expeditions and projects for the completion and conquest of the Northwest. The author devotes a chapter to Clark's financial distress and intemperance at the close of these operations. The expeditions against the Wabash and Miami Indians and the projected expedition under France are located in another chapter. The author excuses Clark's expatriation and acceptance of a French commission from Genet for the reduction of the Spanish power at the mouth of the Mississippi, as being really in the interest of the West and ultimately useful to the nation. The bitterness of Clark's language toward the government at this time, however, hardly warrants too much trust in his disinterestedness. Possibly Mr. English did not use this portion of the Draper Collection, since he does not cite it.

Miscellaneous information on Clark's later days, his burial place, the roll of his officers and soldiers who were allotted land in Clark's grant, with the precise description of the locations, a symposium of opinions of eminent men on Clark's merits, and similar material, completes the work. In the appendix the author gives the interesting "Account of General Clark against the State of Virginia." A critical examination of the sword story leads Mr. English to the well-founded conclusion that it was the first sword presented by Virginia, and not the second sword, that Clark broke in a fit of anger over Virginia's method of showing her gratitude. Mr. English is also wisely critical of that other "pretty story," which even Mr. Roosevelt accepts on the authority of Major Denny, which makes Clark appear dramatically at the capture of Kaskas-

kia, at the door of a lighted ball-room, announced by the warwhoop of a recumbent Indian. But Mr. English was deficient in legitimate historical imagination and constructive power, and his editorial principles were too lax to permit his reprints to be regarded as authentic texts. He has therefore made simply one more contribution to the material for a full biography of George Rogers Clark.

FREDERICK J. TURNER.

*The Trent Affair*, including a Review of English and American Relations at the Beginning of the Civil War. By THOMAS L. HARRIS, A. M. (Indianapolis and Kansas City: The Bowen-Merrill Company. 1896. Pp. 288.)

THE purpose of this book is to examine the literature of the Trent case, to review the original material, and to place in a brief and accessible shape the essential features of the discussion upon it. With this object in view Mr. Harris has collected and arranged in different chapters extracts from the speeches of public men both in this country and England, from articles in newspapers and periodicals, from contemporary letters and diaries, and from biographies, reminiscences and other publications of a later date. In some he has quoted exactly, in others he has paraphrased, and in others given a summary of the passages on which he relies. He devotes two chapters to "The Effect in America" of the seizure of Mason and Slidell and to the "Consideration of the British Demand." So far as these chapters are chronicles of the time, disclosing the state of public opinion, they have a certain historical importance; so far as they attempt to describe the attitude and conduct of the President or of any member of his cabinet, they are personal and biographical rather than historical. These are matters upon which there has been a certain amount of partisan writing since the deaths of both Lincoln and Seward, and if anything was to be said about them the quotations and authorities should have been so arranged that the reader would at once distinguish between contemporary accounts and reminiscences or impressions first written out long afterwards and when the principal actors were dead. Mr. Harris, however, has thrown together promiscuously the inconsistent and sometimes contradictory statements of different writers as to what the President or Secretary thought or said, often with nothing to show when these statements were made, and with no attempt on his part to distinguish between authentic contemporary statements of fact and those deceiving narratives which are really only expositions of opinion, or even the less trustworthy conjectures of a biographer or eulogist. If he had on this point followed a chronological order in his quotations and authorities it would have appeared that, at the time, Seward was held alone responsible for the decision and for the reasons assigned for it, and that the cabinet as well as the press so treated it. Mr. Harris's extracts from the speeches in Congress after the surrender was

known exhibit the spirit of some of our public men. The letters from France and Prussia which he also prints show that, if we had kept the men and war had followed, we should have had no sympathy in Europe; his authorities hardly justify the conclusion that in case of war it is well-nigh certain we should have had the Czar as an ally, still less that a Russian admiral would have reported to the President for duty. Lord Russell's reply to Mr. Seward is an integral part of the case of the Trent; and Mr. Harris's comments on the course of the British government make a suitable close to his book. His preceding criticisms on Mr. Seward's despatch are not to be accepted without a more thorough examination than is here possible, and his general conclusions (p. 265) are certainly open to question as statements of the results of this case. (See Dana's *Wheaton*, pp. 644-661, note.)

*Mosby's Rangers: A Record of the Operations of the Forty-third Battalion Virginia Cavalry, from its Organization to the Surrender, from the Diary of a Private, supplemented and verified with Official Reports, etc.* By JAMES J. WILLIAMSON, of Company A. (New York: Ralph B. Kenyon. 1896. Pp. xii, 510.)

NONE of the brave men who fought through our civil war is qualified to write its final history; yet whoever is able should deem it a duty to jot down the facts which alone can lend local color to the work of the future historian. With characteristic national patience, the German general-staff has compiled an unprejudiced narrative of the War of 1870; but in America we are not so fortunate. Though there is no lack of even-handed treatment of the subject, the majority of our war-books lean markedly to one or the other side; and despite the glamour environing Mosby, the volume before us is somewhat marred by its unconscious bias. War on the large scale is a universally engrossing topic; the operations of small war must be narrated with exceptional dash to ensure an audience beyond the immediate personal circle; and this book will be chiefly read by those who served on the outskirts of the Virginian armies.

John Singleton Mosby was a born partisan. In 1861 he was twenty-eight years old, a college-bred lawyer, a man of quiet character, gentle though firm, cool and daring, and an unusual judge of men. Our author describes him as "a rather slender, but wiry-looking young man of medium height, with keen eyes and pleasant expression." During the first two years of the war he played but a modest part, awhile in the Old Capitol prison; nor until June, 1863, does he appear in a masterful rôle on the Virginia theatre of operations. His habitat, "Mosby's Confederacy," was a quadrangle between the Blue Ridge and Bull Run Mountains, whose debouches lay at the four corners—Manassas, Thoroughfare, Snicker's and Aldie Gaps. His troops were farmers, many of whom had

suffered at the hands of the United States troops; they were called together for a raid by couriers; they dispersed after the event; any Virginian would shelter and feed them. Though they were regularly mustered in the Confederate army and though Mosby reported directly to J. E. B. Stuart and later to Gen. Lee, we Federals persisted in calling them guerillas, bushwhackers, freebooters, and sought to deny them the rights of the soldier who served in the ranks. Yet it is doubtful if war was ever conducted by an invaded population without recourse to irregulars—*Freischützen*, *francs-tireurs*, *Cossacks*—doubtful if conflict was ever freer from vandalism.

From his "Confederacy" Col. Mosby sallied forth at intervals of a few days or weeks, and by his intimate knowledge of the *terrain*, the aid of the country people, his exceptional speed, and his power of getting work out of his men and horses, he created for himself an importance quite beyond his actual power. He cut out army trains, burned bridges, pounced on sleeping camps, waylaid scouting parties, wrecked trains and captured paymasters with funds, rode into towns and took general officers prisoners in their beds, attacked cavalry columns with a mere handful of men, and generally played havoc with the minor operations of our armies. No wonder that his boldness and skill made him a Southern hero and Northern plague. Yet it savors of extravagance to herald him as the dread of Grant and Sheridan, as a factor in their problem overriding Lee and Early. As Hannibal's Numidians pestered the Roman legions; as the Austrian Pandours more than once upset old Frederick's best laid plans; so Mosby's brilliant success was won because the conditions had bred for us no body of men which could play his game. This was all: *Æsop's* gad-fly all but drove the lion crazy. Excellent chronicle as is Mr. Williamson's book, in this it lacks perspective: that it has just a trifle too much of the "we did it all" spirit. And yet the author is fair according to his light, admits occasional defeat gracefully, is not offensive in his accusations of "barbarities" committed by the Union troops, and verifies his statements by copious footnote extracts from the *War Records*. Still, when one finds that it is "nothing contrary to the usage of War" for Mosby to wreck a train and "kill and wound a large number" of our people, but that it is "brutal conduct" deserving retaliation for us to arrest some Confederate citizens, and make them ride on future trains as a deterrent, one is tempted to smile the honest obliquity of the author.

If Mosby was an irregular *beau sabreur* of pure water, so were his men brave, devoted, skilful and enterprising. They covered the country from Gordonsville to Gettysburg, from the Shenandoah to the lower Potomac, and left their impress wherever they went, in distinctly inverse ratio to their numbers. They were naturally horsemen as our men were not; they left sabre and carbine behind and rode at the enemy with their six-shooters; and their heavy percentage of loss testifies to their fighting capacity. In line of battle, however, they would not have counted for much—until they learned their trade. They did precisely

what New England farmers did a hundred years ago, and would do again—no more, no less.

The two hundred portraits, both Union and Confederate, are interesting as giving occasion to compare the Northern and Southern soldier's looks and attire, as well as to gauge the difference between the outward man of to-day and him of a generation past. The inward man varies only as he gains (or loses) by civilization.

THEODORE AYRAULT DODGE.

*Greek Oligarchies: Their Character and Organization*, by Leonard Whibley. (New York: G. P. Putnam's Sons. 1896. Pp. viii, 212.) The author is a careful student of Aristotle's *Politics*, as may be inferred from his interesting treatment (Ch. I.) of Aristotle's classification of the forms of government, (Ch. IV.) of the varieties of aristocracy and oligarchy from Aristotle's standpoint and with historical illustrations, and (Ch. V.) of magistracies, councils, and assemblies as elements of oligarchic constitutions. These chapters form a useful contribution to Aristotelian literature; but the entire treatise is vitiated by the author's failure to distinguish fact from theory and by his lack of acquaintance with Grecian history. For instance, his statement that the names of the Attic γένεαι are all patronymic is a serious blunder; and his speculations as to the φρατρίαι and γένεαι, in which he follows Fustel de Coulanges, find little support in present-day research. Some credit is due him for his use of the comparative method; yet his comparisons are often superficial: there is more that is misleading than instructive in his analogy between the Attic peasants of Solon's time and the Laconian Helots. Sometimes he contradicts himself, as in his treatment of the Homeric assembly; sometimes he offers theories long antiquated, e. g., that a time was when the common freemen were constitutionally exempt from military service. He settles unsettled questions with one bold dash of the pen—has "many reasons" for a view, but refuses to give one, although his reader would be grateful to him for a little light. In the historical parts of his work in general the author does not represent the best recent scholarship. He has read Gilbert, *Griechische Staatsalterthümer* II, carefully, but is unacquainted with such works as Busolt's *Griechische Geschichte* I. 2, Beloch's *Griechische Geschichte* I., and Wilamowitz-Möllendorff's *Aristoteles und Athen* (cited in an appendix), though these works appeared three years before the publication of his treatise.

G. W. B.

It is agreeable to note that Mr. John Dennie's *Rome of To-Day and Yesterday: the Pagan City*, has passed into a third edition (Putnam's, pp. 392), for rarely is so much excellent and instructive archæological matter presented in a style so lucid and so attractive. The work has been carefully revised since its first issue by Messrs. Estes and Lauriat, and is adorned with beautiful illustrations, chiefly after photographs by Signor Anderson, of Rome.

Mr. W. D. Johnston, an instructor in the University of Michigan, issues the first of a series of *English Historical Reprints* (Ann Arbor, Sheehan and Co., pp. 46). The general intention of the series is to bring together in a handy form the most important documents illustrating the main movements of English history. The present number has to do with the relations between church and state in mediæval times. Twenty-three documents are presented. The pieces are judiciously selected. Each is accompanied with a statement of its source, and there is a brief general introduction and a useful bibliography.

Miss E. S. Kirkland's *Short History of Italy* (Chicago, McClurg, 486 pp.) is gossip, not history—the gossip of a clever woman, who remembers anecdotes and *bon-mots* and cares little for the hard facts of history. She is so heedless of that accuracy which alone enables us to see how cause and effect dovetail into each other in human events, that a discrepancy of a few months never troubles her. Many of her statements hit about as near as an Italian might hit who should say that the battle of Bull Run was fought before Sumter was fired on. The possible inaccuracy amounts to but thirteen weeks in *time*, but in the scale of cause and effect it is incomputable. Miss Kirkland's reader must be equipped, therefore, with a knowledge of her subject if he would be sure of putting her statements in proper order; the unequipped had better place no more reliance in them than he would in the history of one of the novels of Dumas *père*.

*Philip Augustus*, by William Holden Hutton, B. D., Fellow and Tutor of St. John's College, Oxford (London and New York, Macmillan, 1896, pp. 229), is the second in a series of popular biographies, called the *Foreign Statesmen Series* and modeled on the familiar volumes bearing the general title of *Twelve English Statesmen*. Viewed in the light of its purpose it deserves hearty commendation. Mr. Hutton has told the story of the great French monarch with a keen and sympathetic appreciation of the man and of his aims. He has told it, moreover, in an interesting way, making much use of the incidental touches of the contemporary chroniclers and poets who set forth Philip's deeds. In traversing so well-worked a field the author has necessarily found, as he freely acknowledges, that his conclusions have been "so constantly anticipated by the French and German historians who have studied the subject within the last fifty years, that (he has) often had no other course open to (him) but to follow closely in the path that they had marked out." An examination of the volume shows plainly that his indebtedness to the modern literature of the theme is extensive, but it shows also that Mr. Hutton has diligently examined the sources of the history of the period and has been much more than a mere compiler. The volume is fitted to give a clearer popular acquaintance among English and American readers, with the character and achievements of one of the most remarkable of the kings of France.

W. W.



*Archives ou Correspondance Inédite de la Maison d'Orange Nassau.* Supplément au Recueil de M. G. Groen van Prinsterer : La Correspondance du Prince Guillaume d'Orange avec Jacques de Wesenbeke, par J. F. van Someren (Utrecht, Kemink, 1896, xxiii, 265 pp.) European archives have often proven mere tombs for the treasures committed to their depths, and years of patient search have been spent before all documents pertaining to any one person are exhumed. William, Prince of Orange, was an indefatigable correspondent in all stages of his career and during his exile (1568-72) he left no one unaddressed from whom there was the faintest hope of winning aid. Yet there are no years for which we have had so little information. He was a wanderer, and many of his friends were, for the time being, homeless and without a place to which they could consign their papers for safe keeping. Hence letters of that period have been slow to come to light and many have turned up in unexpected archives, as these which now come to us from England, some being the originals and some copies.

In this supplement to Groen's *Archives* (1835-1861) Mr. van Someren has published a valuable series of one hundred and seven letters dated in 1570 and 1571, being mainly those which passed between Orange and his confidential agent, Jacques de Wesenbeke. Groen and Gachard together only give twenty-three letters and one commission for those years, while there is a note added to the last, pointing out the value of the document as a proof of the prince's zeal at a moment when there was no prospect of a revolt against Alva's rule. The papers published by van Someren show that this commission was by no means unique and that though hope was forlorn it was never abandoned. The matter here is not entirely new. Baron Kervyn de Lettenhove was the first person to explore British archives for matter relating to the Netherlands and his *Documents Inédits* (1883) contains several of the Wesenbeke letters. Mr. van Someren continued the search in the British Museum and the Bodleian Library and has been very successful not only in making public new matter, but also in correcting some of the readings of Kervyn, who rarely fails to display his prejudices and partizanship even when acting as editor only.

R. P.

Mr. J. Neville Figgis's work, *The Theory of the Divine Right of Kings* (Cambridge University Press, 1896, pp. xiv, 304), is a serious and on the whole successful attempt to set that much ridiculed theory in its true historical light. The author's point of view is thoroughly scientific, his information is adequate and his conclusions are sound. He finds that the roots of the theory lay in the sentiment of early Christianity that government was divinely ordained; that the development of the theory was stimulated chiefly by the extravagant pretensions of papal authority; that it attained its greatest importance in affording a shelter for those who opposed clericalism, whether of the papal or of the Presbyterian type; and that it thus played an indispensable part in the transition from

mediaeval to modern political thought and practice. Particularly striking is the author's demonstration that the divine-right theory in its essence, stripped of the theological and Scriptural argumentation which was used to sustain it, has a closer relation to the dominant political philosophy of the present day than has the contract theory, to which so much of our modern liberty is supposed to be due. Mr. Figgis's central thought is, in short, that the theory with which he deals was a nationalist and a conservative theory. It embodied the views of those who sought a clearly-defined centre of political authority, based on the traditions and customs of the land, and affording a guarantee against the anarchic tendencies of Puritans and Independents. In the days of intense religious feeling the resort to an immediate divine sanction as support for such authority was as much a matter of course as in later days has been the resort to the teaching of history or to the cold formulas of expediency. Mr. Figgis sketches the literature of the controversy over divine right and indicates very clearly the bearing of objective history on the strength and the decline of the theory. It was perhaps inevitable that he should limit himself for the most part to the examination of British thought; in fact it was only in connection with English affairs that the doctrine in its purity assumed a high degree of practical importance.

W. A. D.

The Hulsean Lectures for 1894-5, by Dr. Alfred Barry, formerly Primate of Australia, have been printed by the Macmillan Company in a volume entitled *The Ecclesiastical Expansion of England in the Growth of the Anglican Communion* (pp. 387). The four lectures originally delivered at Cambridge deal in an interesting manner and in a liberal spirit with the three great missionary functions of the Anglican Church in respect to the dependencies of the Empire—its mission in the sphere of colonial expansion, its work in India and the East, and its labors in the conversion of the lower races. Since the lectures, though careful and suggestive, give few historical and other details, the author has adopted in publication the device, not wholly happy, of adding appendices, almost equal in length to the lectures, in which details of the history and growth of the Church in extra-European lands are presented. Those relating to the American colonies and the United States are unexceptionable in plan and intention, but are sometimes far from correct, as where the population of Virginia in 1761 is given as 80,000, that of North Carolina as 36,000 (p. 218); or where Virginia is credited with 167 parishes at the time of the Revolution (p. 222); and the Protestant Episcopal Church in the present United States with "about three millions and a half of professed members" (p. 225), a computation exaggerated five or six fold.

*Histoire de la Troisième République. I. La Présidence de M. Thiers.*  
Par E. Zevort. (Paris: Félix Alcan. 1896. Pp. xii, 411.) This is

the first of three volumes to cover the history of the Third French Republic from its origin to the end of the presidency of M. Carnot. In that part of the work yet to appear the author will have a chance to put into convenient shape the history of twenty years or more of a comparatively unexplored field, and may produce a serviceable if not a valuable book; this volume, however, is in some respects a disappointment. M. Zevort has issued a formidable number of historical productions, but in the present instance he fails to treat adequately some of the most striking and instructive events of the period under consideration. He deems it worth while to mention the death of the director of the observatory in 1872, but gives absolutely no account of the proclamation of the Republic at the Hôtel de Ville on September 4, 1870, or of the establishment of the Commune on March 18, 1871. Here were two excellent opportunities to study revolutionary uprisings in Paris and to show in detail why one succeeded and the other failed. Furthermore—still confining our attention to matters of the first importance—the last days of the Commune in 1871 and the fall of Thiers in 1873 are disposed of altogether too summarily. One cannot help feeling, also, that the author greatly underestimates the services of Thiers and equally overrates the political sagacity of Gambetta. But the book is not without value; and attention should especially be called to a collection of documents occupying an appendix of sixty pages. Whatever may be the merits of future volumes, the one under review is far from supplanting Duret's *Histoire de France de 1870 à 1873*.  
C. F. A. C.

Mr. Appleton P. C. Griffin, who may be addressed at the Boston Athenæum, has printed an *Index to the Literature of American Local History in Collections published in 1890-95* (pp. 151), intended as a supplement to that contributed by him to the *Bulletins* of the Boston Public Library, and published afterward as a separate volume by that institution. The present issue is intended to include essays, historical and descriptive sketches, contained in such collections as the historical magazines, the publications of historical societies and composite county histories. The material is arranged in alphabetical order of subjects, states and counties as well as towns being included in the list. The value of the original bibliography is now so well known that it is not necessary to emphasize the utility of the present *Index*.

The Massachusetts Historical Society has published the tenth volume of the present series of its *Proceedings*—a volume of 616 pages, edited and indexed with the care usually bestowed by the society upon its publications. The contents, while chiefly of interest to the student of Massachusetts history, include also some items of more general interest, such as a complete roll of the members of the United States Senate during the first century of its existence, presented by Mr. W. S. Appleton, and a series of letters from John Quincy Adams to his brother, written from St. Petersburg, in the years from 1810 to 1814. With these exceptions the

volume, as is usual with the publications of our historical societies, reveals little trace of interest in those portions of American history which are subsequent to the Revolution. The most important contributions to New England history embraced in the volume are Mr. E. L. Pierce's account of the diary of John Rowe, a prominent Boston merchant of the Revolutionary period, followed by numerous extracts from the diary; a bibliographical paper on early printed books relating to the New England Indians, by Dr. Justin Winsor; and an account by Mr. John T. Hassam of the confiscated estates of the Boston Loyalists. The volume also includes memoirs of the late Dr. George E. Ellis, by Rev. Octavius B. Frothingham, and of Mr. Frothingham, by Mr. J. P. Quincy. Highly interesting portions of the volume are those which relate to the financial condition of the society, and its plans for the erection of a new building upon a more convenient site.

A volume of so similar character to this as to be naturally reviewed in the next paragraph is the first volume of the *Transactions of the Colonial Society of Massachusetts* (pp. xx, 525), containing the records of the meetings of this new society during the years 1892, 1893, and 1894. It is the intention of the society to avoid the confusion which usually arises between the "Collections" and "Proceedings" of historical societies, by arranging its publications in alternate volumes, composed of "Transactions" and of "Collections" respectively. According to this convenient plan, the present volume constitutes Vol. I. of the *Transactions* of this society, while Volume II. will be a volume of *Collections*, consisting of a complete series of the royal commissions and instructions issued to the governors of the province of Massachusetts Bay. The present volume, admirable in typography and in index, contains several interesting documents. Of the papers which have been read before the society and are here printed, the most interesting are Mr. Andrew McFarland Davis's careful review of the work of the various historical societies of Massachusetts, some fifty in number; that of Mr. Abner C. Goodell, Jr., on the case of John Saffin and his slave Adam; that of Mr. Davis on corporations in the colonial period; Mr. Edward Wheelwright's memoir of Francis Parkman, and Mr. Lindsay Swift's treatise on the Massachusetts election sermons. The main object of the Colonial Society is understood to be the historical commemoration of the deeds of the men of colonial Massachusetts, of whose descendants the new organization is composed. That there is room for it, side by side with the Massachusetts Historical Society, and that its work is likely to be of permanent value, the present volume seems to indicate. It proposes to confine its activities to a more restricted field; the quality and interest of its performance seems at present not inferior.

The Directors of the Old South Work, at Boston, have made up a third volume of their *Old South Leaflets*, nos. 51 to 75. The leaflets, excellent as illustrations of the lectures which they were originally in-

tended to accompany, seem miscellaneous when collected in a volume; but they are mostly important and all well edited. Of the public documents embraced in the present series, the chief are: The Monroe Declaration of 1823, Cromwell's Second Speech, Winthrop's "Little Speech" on Liberty, the Debate in the Convention of 1787 on the Suffrage in Congress, the Dutch Declaration of Independence of 1581, and Hamilton's Report on the Coinage, 1791. Among other interesting reprints are: Thomas Hooker's "Way of the Churches of New England;" Milton's "Free Commonwealth;" Adrian van der Donck's Description of New Netherland in 1655; Columbus' Memorial to Ferdinand and Isabella on his Second Voyage, and Penn's Plan for the Peace of Europe. It is a pity, the interests of young readers being had in view, that parts of these pieces are printed in a smaller type than has hitherto been used.

Mr. George F. Bowérman's *Selected Bibliography of the Religious Denominations of the United States* (New York, Cathedral Library Association, pp. 94) contains in its first sixty pages a useful and unpretending list of books, arranged in alphabetical order by denominations, and under each denomination by the following rubrics: Bibliography, History, Doctrines, Periodicals, Year-books. The book disarms criticism by professing to be no more than a selection; on the whole, the selection appears to have been well advised. The position of the Catholic Church, as a universal church whose American literature does not relate to an organic ecclesiastical unit, has led the author to append a special bibliography of that church by a clerical friend. This was a mistake, we think. Since all the lists embrace only a selection in each case, a Catholic list relating only to America would not on that account seem, by comparison, incomplete; and the list which is here appended is far from first-rate.

Mrs. Martha Bockée Flint's *Early Long Island: a Colonial Study* (Putnam, pp. 549), is an excellent and well-written contribution to local history. The author has far more of general scholarship than is usually found exhibited in books of American local history, though she commits not a few of those blunders in respect to Dutch which we always expect in books on early New York, especially in the perpetual insertion of 'T' before place-names, whether the noun be neuter or feminine. Equally inevitable in books on New Netherland is the statement that the Dutch West India Company was directed by its charter to populate that colony. This apparently immortal error is derived, by a long genealogy of copyists, from a mistranslation by Ebenezer Hazard in 1798. But almost everywhere Mrs. Flint's book rests on her own researches, and they have been extensive and well conducted. First come chapters on the early voyages and explorations, on the island in its physical aspects, on the Long Island Indians and on the place-names. Then in successive chapters the author treats, in interesting and solid narrative, the history of the island from the Dutch period to the close of the Revolution. The arrangement is not always simple. Appendices contain

several documents interesting to the history of the Revolution and especially of the Loyalists, to whom the author devotes two or three particularly valuable chapters.

Mr. William Wallace Tooker, learned in Indian languages, in his little book called *John Eliot's First Indian Teacher and Interpreter, Cockenoe-de-Long Island* (New York, Francis P. Harper, pp. 60) endeavors, with success in spite of a considerable element of conjecture, to identify the young Indian captive of whom John Eliot speaks as having been his first teacher in the Indian tongue with a certain Long Island Indian named Cheekanoo or Checkanoe or, in one document, Cockenoe-de-Long Island; and secondly, to trace the history of this Indian, as interpreter, surveyor and envoy, under various distortions of name, from the time when, a captive in the Pequot fight, he came into Eliot's neighborhood, till the time of his old age. The little monograph not only exhibits a careful and scholarly investigation, but furnishes interesting reading. There are two plates.

Under the title *Mary Dyer of Rhode Island, the Quaker Martyr that was Hanged on Boston Common, June 1, 1660* (Providence, Preston and Rounds), Judge Horatio Rogers, of the Rhode Island Supreme Court, prints, in a small book of 115 pages, an address which he gave before the Historical Society of that state during his term of office as its president. The story is told with skill and with a deep feeling of its pathos, but without pretension of casting new light upon it. The letters which passed between the Commissioners of the United Colonies of New England and the authorities of Rhode Island concerning the Quakers, and those of Mary Dyer to the court after sentence and of her husband to Endicott are printed in the appendix.

The life of Mrs. Madison cannot easily be made anything else than a chronicle of small beer. She was good, genial, tactful, affectionate and vivacious, but she was neither very clever nor connected in an important sense with great events. Mrs. Maud Wilder Goodwin, in her little volume entitled *Dolly Madison* (Scribner, pp. 287) in the series "Women of Colonial and Revolutionary Times," has perhaps done all that could be done to make the biography a contribution to history. She has aimed, she says, "to present in this volume less a formal biography than a sketch of the social and domestic life of the epoch as it affected Dolly Madison." She has made a careful and pleasing book. The story (p. 261) that in the days when Mrs. Madison inhabited the White House ladies were not admitted to the galleries of the House of Representatives, but that that ungallant exclusion was broken down subsequently by Fisher Ames, can hardly be true.

A book of more interest and value is Mrs. Harriott Horry Ravenel's *Eliza Pinckney*, in the same series (Scribner, pp. 331). We know far



less of colonial South Carolina than of the society in which Mrs. Madison was a central figure, and Eliza Pinckney, wife and widow of Chief Justice Pinckney, was a highly remarkable woman, and has left a record of her life, of quite unusual completeness, in the elaborate letter-book which has by miracle survived to our times. Some of these letters were, we believe, printed a half century ago, but in so extremely small a number of copies that the collection is practically manuscript. This series of letters extends from 1739 to 1786. It opens with the business memoranda which a girl of sixteen, already manager of three plantations, sends from Carolina to her father in Antigua. The ensuing letters not only cast a flood of light on the social and domestic history of the colony, but reveal a most interesting personality, a colonial girl of excellent sense, industry, studiousness, and capacity for business, whose letters are engaging, and even at times amusing, in spite of their old-fashioned formality. Her brief married life was mostly spent in England. Returning in 1758, she lived a widow till 1793, active in business and correspondence, especially in the interest of her daughter and her sons, the distinguished Generals Charles Cotesworth Pinckney and Thomas Pinckney. Her self-reliance and firmness of character were invaluable to them in the crisis of the Revolution; but not less characteristic was the self-restraint which marked her attitude toward them at the outbreak of the struggle; she "had prayed to God to guide them aright, but she gave no advice and attempted no influence; for that having done her best while they were boys to make them wise and good men, she now thankfully acknowledged that they surpassed her in wisdom as in stature." Mrs. Ravenel's own portions of the book are written with adequate historical knowledge, with intelligence and sobriety, and with a marked distinction of style.

Mr. David Meade Massie justly remarks, in the preface to his *Nathaniel Massie, a Pioneer of Ohio* (Cincinnati, Robert Clarke Co., pp. 285) that we are much better provided with the means of understanding the thoughts and actions of Governor St. Clair and his party, of the New England men and Federalists of the Northwest Territory and the state of Ohio, than with information regarding their opponents. The story of the former is known through Burnet's *Notes*, the *St. Clair Papers* and Cutler's *Memoirs*. That of the latter, of the Republicans, of the leaders in the Virginia Military District, has hardly been exploited at all. The book before us is certainly a contribution of high importance toward filling up this gap. Mr. Massie has inherited from his grandfather a large mass of papers which show the inner life of the Republican party in the territory and in the first days of the state. He first prints a sketch of the life of Nathaniel Massie, who, with Thomas Worthington and Charles Willing Byrd, led that party. The sketch is written with fairness and with full appreciation of the aims of both sides, and is enlivened with recitals of border adventure taken from McDonald and other sources. The remainder of the book, more than half of it, is occupied

with a selection of the letters of and to Massie still extant. They are arranged in chronological order. Probably the book would have gained if they had been inserted in the narrative instead of being printed as a separate body. However this may be, they are of great interest and importance, both those that relate to land-business and those that relate to politics. Only a few have ever been printed before. The collection includes twenty-three letters of Governor Worthington, fifteen of General Massie, thirteen of Judge Byrd, and smaller numbers of St. Clair, Wilkinson, Meigs, Symmes, Harrison and others. The letters are apparently printed with literal exactness. A map of Ohio, showing the chief land-purchases and reservations, is appended.

Gen. A. W. Greely's *Handbook of Arctic Discoveries*, in the "Columbian Knowledge Series" (Boston, Roberts Brothers, pp. 257), is decidedly a *tour de force*. Its small pages are packed with information relating, in successive chapters, to each particular geographical field of Arctic exploration. Yet, though congestion is extreme in some parts, the book is in general readable. It succeeds in its chief attempt, to sum up results in an intelligible manner. Excellent bibliographies accompany the chapters, and there are eleven maps, good in plan, though not well printed.

Dr. J. George Hodgins, Historiographer to the Education Department of Ontario, has now printed (Toronto, the Department, pp. 330) a third volume of his *Documentary History of Education in Upper Canada*, a work designed to extend from 1791 to 1876. This volume covers only the years 1836-1840, and completes the compiler's record of the educational proceedings of the legislature of Upper Canada as a separate and independent province. The volume also includes a record of the proceedings of the General Board of Education of Upper Canada from 1823 to its extinction in 1833, and of the Council of King's College, 1828-1840. Among the more interesting of the matters embraced in the main series are the discussions on the right of a colonial legislature to alter or amend a royal charter.

#### NOTES AND NEWS.

The twelfth annual meeting of the American Historical Association was held in New York, chiefly in the rooms of Columbia University, on December 29, 30 and 31. An inaugural address was read by the president of the Association, Dr. Richard S. Storrs, and receptions were given by President and Mrs. Low and Mrs. C. W. Bowen. The programme indicated an effort to avoid congestion in the proceedings and to promote discussion of at least certain papers. A conference upon the teaching of history was upon the list. The members joined in a luncheon on one of the three days, and those most interested in preparing students of American history for the doctor's degree met and conferred upon the possibilities of common action in that field.

The Historical Manuscripts Commission appointed by the Association a year ago reported a considerable amount of preliminary work accomplished. Carefully prepared circulars have been sent out to libraries and societies and to many individuals, explaining the objects of the Commission and making inquiries on its behalf as to manuscript historical materials in their hands. Numerous replies have been received upon the Commission's blanks, and the beginning has been made of a thorough knowledge of the American historical manuscripts in private possession. The Commission presented with its report a full and detailed bibliography or list of guides to the contents of American archives or other collections of unprinted historical materials, and of less formal descriptions of the same. It has also prepared a first volume of documentary matter, drawn from the various quarters represented in the Commission and adapted to serve as a specimen of the work which it intends to do in respect to publication. It has obtained from the English Public Record Office a series of copies of the letters addressed to the Foreign Office by Phineas Bond, British consul at Philadelphia from 1787 to 1812, letters affording important information respecting American trade and public affairs. It has also prepared for publication a series of documents exhibiting the history of a pro-French plot in the English colonies at the outbreak of the French and Indian War; a collection of the letters of Stephen Higginson, showing the political action and thought of the high Federalists of the Essex Junto during an important period; a selection from the correspondence of Mahlon and Philemon Dickerson, illustrating New Jersey politics during the first half of the present century; a portion of the journal of Edward Hooker, casting a great amount of light on the legislation and politics of South Caro-

lina in the years from 1805 to 1808; and the Genet-Clark correspondence, showing the relations between Gen. George Rogers Clark and the French revolutionary government and the intrigues of France and Spain in the West. The Commission will be glad to learn the names of persons, especially possessors of historical manuscripts, to whom its circulars may appropriately be sent. Letters may be addressed to its chairman, Professor J. Franklin Jameson, 196 Bowen Street, Providence, R. I.

The Seth Low Professorship of History in Columbia University has been filled by the election of Professor William M. Sloane, now of Princeton. Professor Sloane has recently sailed to Europe upon business connected with the preparation of a European edition of his *Life of Napoleon*.

Professor H. von Holst, who was in a very critical condition for several months, is now convalescent and is spending the winter in Naples. His leave of absence has been extended until April next. Dr. Frederic Bancroft, of Washington, is to lecture in his place at the University of Chicago during the winter term.

General Iung, noted for his *Lucien Bonaparte et ses Mémoires* (1882-3) and his *Dubois-Crancé* (1885) and for his hostile *Bonaparte et son Temps* (1880), died on October 3, aged sixty-three.

Professor Clement L. Smith of Harvard University is to be director of the American School of Classical Studies in Rome during the year 1897-1898.

The three volumes of the *Harvard Historical Studies* (Longmans) announced in our last number, have now appeared. It is announced that the three volumes for 1897 will be the following: A Bibliography of British Municipal History, by Professor Charles Gross; The Liberty and Free Soil Parties in the Northwest, by Dr. Theodore C. Smith; Nominations for Elective Office in the United States, by Frederick W. Dalinger, A. M.

The *Historical Atlas of Modern Europe*, edited by Dr. Reginald Lane Poole, of Oxford, has now begun to appear (Clarendon Press). Part I. contains three maps, clearly and handsomely engraved: one of Europe, 395 to 527 A. D., by Professor Bury of Dublin; one of Roman Britain, by F. Haverfield, of Christ Church, Oxford; one of the Swiss Confederation, by the Rev. W. A. B. Coolidge, of Magdalen. Part II. contains a map showing the ecclesiastical divisions of England *temp.* Edw. I., by C. Oman; a map of Ireland prior to the Anglo-Norman occupation, by G. H. Orpen; and one of France under the Ancien Régime, by Walter E. Rhodes. The maps have been designed, and the explanatory letter-press, admirable in clearness and conciseness, has been written by the scholars named. The maps are drawn and printed by W. and A. K. Johnston, of Edinburgh. The *Atlas* will be issued in thirty monthly parts, at 3s. 6d. Among the maps announced as to appear in the next

three parts may be noted one showing the parliamentary representation in England before 1832; and others exhibiting England, Scotland, Ireland and France in different periods.

The Library of Yale University has been presented with the library of the late Ernst Curtius, and with the Scandinavian portion (5600 volumes and 16,000 pamphlets) of that of the late Count de Riant.

The Belgian Commission Royale d'Histoire has issued in separate form a pamphlet of *Instructions pour la Publication des Textes Historiques*. A similar series of rules has been printed by the Historisch Genootschap of Utrecht.

Professor E. G. Bourne presents, in the November number of the *Educational Review*, an article on Ranke and the Beginning of the Seminary Method in History.

#### ANCIENT HISTORY.

The results of the Babylonian expedition of the University of Pennsylvania are set forth in recent numbers of the *American Journal of Archaeology* by Dr. John P. Peters; in a chapter in Hilprecht's *Recent Research in Bible Lands*; and in an article *Zur ältesten Geschichte der Semiten* by F. Hommel in Heft 7 of the *Neue Kirchliche Zeitschrift* for 1896.

The Society for the promotion of Christian Knowledge publish *The Struggle of the Nations—Egypt, Syria and Assyria*, by Professor G. Maspero, translated by M. L. McClure, and edited by Professor Sayce. It is a companion volume to the *Dawn of Civilization*, and contains the history of the ancient peoples of the East from the fourteenth Egyptian dynasty to the end of the period of the Rameses.

A complete transcription of the Tell-el-Amarna letters by Hugo Winckler, with English translation, notes, index and glossary, is sold by Messrs. Lemcke and Buechner, of New York (Berlin, Reuther und Reichard, pp. 465).

Announcement is made of the inauguration of a new review of ancient history and classical archaeology, to be published at Naples, under the editorial charge of Professor Francesco P. Garofalo. It is to be entitled *Rivista Bimestrale di Antichità Greche e Romane*.

The leading article in the *Revue Internationale des Archives, des Bibliothèques et des Musées* (Musées No. 2-3) is a historical account, by M. Salomon Reinach, of the formation of the museums of Athens.

Professor George Helmreich's *Jahresbericht über Tacitus, 1892-1895*, reprinted from the *Jahresberichte über die Fortschritte der classischen Altertumswissenschaft*, may be separately obtained (Berlin, S. Calvary and Co., 62 pp.).

Dr. Adolf Schulten, in his *Die römischen Grundherrschaften; eine agrarhistorische Untersuchung* (Weimar, E. Felber, pp. 148) subjects to

critical examination the whole body of material, inscriptional and other, for the history of the *latifundia*, especially in the province for which information is most complete, that of Africa.

In the *Revue Archéologique* for July–August is a review of epigraphical publications relating to ancient Roman history, by R. Cagnat.

A prison chaplain in Baden, Rev. F. A. K. Krausz, has illustrated with learning and originality an interesting phase of social history in a book entitled *Im Kerker vor und nach Christus* (Leipzig, Paul Siebeck, pp. 380).

Noteworthy articles in periodicals: C. C. Torrey, *The Composition and Historical Value of Ezra-Nehemiah* (*Zeitschrift für die alttestamentliche Wissenschaft*, Beiheft II.); J. Gennadius, *Recent Excavations in Greece: The Sanctuary of Apollo* (*Forum*, November); G. Maspero, *Comment Alexandre devint Dieu en Égypte* (*Annuaire de l'École Pratique des Hautes Études*, 1897); *Cicero's Case against Caesar* (*Quarterly Review*, October); F. Vogel, *Cäsar's zweite Feldzug in Britannien* (*Neue Jahrbücher für Philologie*, CLIII, 3–4); Kornemann, *Asinius Pollio als Geschichtsschreiber* (*Jahrbücher für classische Philologie*, Suppl. XXII, 2, pp. 134); H. F. Pelham, *Arrian as Legate of Cappadocia* (*English Historical Review*, October); Otto Seeck, *Die Schatzungsordnung Diocletians* (*Zeitschrift für Social- und Wirthschaftsgeschichte*, 1896, III–IV); O. Seeck, *Die Entstehung des Indictionencyclus* (*Deutsche Zeitschrift für die Geschichtswissenschaft*, XII, 2).

#### EARLY CHURCH HISTORY.

Professor Adolf Harnack's latest publication is a volume entitled *Die Chronologie der altchristlichen Litteratur bis Eusebius* (Leipzig, J. C. Hinrichs).

The late Archbishop of Canterbury had just before his death finished the correction of the proofs of a work on the times of Cyprian, bishop of Carthage. It will be printed shortly by the Macmillan Co.

Noteworthy articles in periodicals: F. Schaefer, *The Acts of Apollonius*, *Catholic University Bulletin*, October); P. Allard, *Vicissitudes de la Condition Juridique de l'Église au III<sup>e</sup> Siècle* (*Revue des Questions Historiques*, October).

#### MEDIAEVAL HISTORY.

Lieut. Col. Condor, so long occupied with the survey of western Palestine, is preparing an elaborate book on the *Latin Kingdom of Jerusalem*, to be published by the Palestine Exploration Fund. It is intended to embody not only the results of research in the Christian and Mohammedan chronicles, but also those of the survey.

The Institut Lazareff, of Moscow, will give in 1898 a prize of 700 rubles for the best work on the Armenians at Constantinople in the time of



the Crusades. Competitors must hand in their productions before the first of January, 1898.

Noteworthy articles in periodicals: L. Goetz, *Studien zur Geschichte des Bussakraments*, II. (*Zeitschrift für Kirchengeschichte*, XVI, 4); Ch. de la Roncière, *Le Blocus Continental de l'Angleterre sous Philippe le Bel* (*Revue des Questions Historiques*, October).

#### MODERN EUROPEAN HISTORY.

In the series *Heroes of the Reformation*, edited by Rev. Dr. Samuel Macauley Jackson, there are to appear, besides the volumes mentioned in our last issue, one upon John Calvin by Dr. Williston Walker, and one upon Theodore Beza by Dr. Henry M. Baird. A volume on John Knox is also to be expected.

The forthcoming issues in the series *Stories of the Nations* are to be volumes on the Balkans, by Mr. W. Miller; on British India, by Mr. R. W. Fraser; on modern France, by M. André Lebon; and on Canada, by Dr. J. G. Bourinot.

The Hakluyt Society will issue as its two volumes for 1896, Azara's *Chronicle of the Conquest of Guinea*, translated from the Portuguese, and a volume of *Danish Arctic Voyages* of the beginning of the 17th Century. Mr. Everard im Thurn, noted for his explorations in British Guiana, as Sir Robert Schomburgk was fifty years ago, has undertaken to prepare for the society a new edition of Sir Walter Raleigh's *Discoverie of the Empire of Guiana*, which Schomburgk edited for the Society in 1850.

M. Alfred Baraudon, in his *La Maison de Savoie et la Triple Alliance*, (Paris, Plon) offers an important contribution, based on materials in French archives, to the history of European politics in the years from 1713 to 1722.

Professor Hermann Hüffer has expanded into a book, *Der Rasttater Gesandtenmord* (Bonn, Rohrscheid und Ebbecke) his *Rundschau* article of 1895, and fortified his conclusions with many pertinent documents, drawn especially from the archives of the late Archduke Albert of Austria.

Noteworthy articles in periodicals: M. Reich, *Erasmus, sein Leben und Briefwechsel 1509-1518* (*Westdeutsche Zeitschrift für Geschichte*, 1896, Ergänzungsheft 9, pp. 159); M. A. S. Hume, *Philip II. in his Domestic Relations* (Fortnightly, October); B. H. Baden-Powell, *The Origin of Zamindari Estates in Bengal* (Quarterly Journal of Economics, October); L. Thouvenel, *Constantinople pendant la Guerre de Crimée* (*Revue de Paris*, June 15).

#### GREAT BRITAIN AND IRELAND.

Negotiations for a union between the Royal Historical Society and the Camden Society have resulted in votes whereby the latter is absorbed in the former. With increased resources, the society will now expect to

publish annually two or three volumes of *Publications* as well as its annual volume of *Transactions*. The publications immediately in prospect are Vol. X. of the *Transactions*; the *Domesday of Enclosures and an Inquisition of 1517*, edited by Mr. I. S. Leadam; *Papers relating to the Catholics under Elizabeth*, edited by Mr. T. G. Law, and Vol. III. of the *Nicholas papers*, edited by Mr. G. F. Warner. Among the papers announced to be read during the present year we note one by Professor York Powell on an "École des Chartes" for English historical students, and others by Mr. Oscar Browning, on the Convention of Pillnitz, by Mr. W. J. Corbett on the Survey of a Norfolk Village in the reign of Elizabeth, and by Rev. J. N. Figgis on some political theories of the earlier Jesuits.

A fifth edition of Bishop Stubbs's *Constitutional History of England* has just been completed by the publication of Vol. III. (London, Frowde).

The first Ford's lecturer in English history at Oxford is Mr. Samuel Rawson Gardiner, who has recently given six lectures upon "Cromwell's Place in History," dealing with his foreign and domestic policy.

Among the season's announcements on the part of the Cambridge University Press have been the following: *The Domesday Book and Beyond, Essays in Early English History*, by Professor F. W. Maitland; *Brevia Placitata*, a thirteenth-century collection, in French, of precedents for pleading in the King's courts, edited by G. I. Turner; *The Economical Works of Sir William Petty*, edited by Professor Charles H. Hull of Cornell University; *The Foundation of the German Empire*, by J. W. Headlam; *Italy from 1815 to 1871*, by W. J. Stillman; *The Life and Miracles of St. William of Norwich*, by Thomas Monemutensis, edited by Drs. Augustus Jessopp and M. R. James; the third volume of *The Archives of the London Dutch Church*, edited by J. H. Hessels; *The Triumphs of Turlogh*, edited and translated by Dr. Standish H. O'Grady.

Mr. Walter Rye has nearly ready a second edition, considerably enlarged, of his *Records and Record Searching*.

The Corporation of Northampton will publish by subscription two volumes of *The Records of the Borough of Northampton*, edited by Mr. Christopher A. Markham and the Rev. J. C. Cox.

The late Dr. David Laing bequeathed to the library of the University of Edinburgh a large and valuable collection of charters particularly relating to Scotland, upon the condition that a catalogue of them should be printed. The charters number more than 3000, the earliest being one by Ethelwulf in A. D. 854. The University has prepared an elaborate calendar of them, including full abstracts of their contents and the names of all persons and lands mentioned. An index nominum and an index locorum are to be added. The University, being unable to issue the work by its own resources, ask for subscriptions to the volume—a large volume of about 820 pages—at one guinea for each copy.

Volume III, No. 5, of the *Translations and Reprints from the Original Sources of European History*, published by the University of Pennsylvania, contains nine English manorial documents, edited by Professor Edward P. Cheyney.

Dr. C. Horstman has brought out a second volume (London, Sonnenschein; New York, The Macmillan Co., pp. 502) of his edition of the writings of Richard Rolle of Hampole, the importance of which to the study of the mediæval religious life of England has been generally recognized.

Under the somewhat blind title *Le Cotton Manuscrit Galba B. I.* (Brussels, Hayez, pp. 671), Mr. Edward Scott, of the manuscript department of the British Museum, and M. Gilliodts van Severen, of the archives of Bruges, have brought out an interesting series of 188 documents important to the history of the relations between England and Flanders in 1404 and 1405. The Flemish collaborator has added a certain number of documents bearing upon the same subject, drawn from his own archives.

The archives of the Electoral Foreign Office at Hanover are being investigated for historical purposes by a Cambridge scholar, Mr. R. P. Mahaffy, with a subvention from a University fund.

Adam Smith's *Lectures on Justice, Police, Revenue and Arms*, reported in 1763 by a student at the University of Glasgow, and now edited with an introduction and notes by Mr. Edward Cannan, show in effect the first draft of the *Wealth of Nations*, explain its genesis and set at rest the controversy as to Adam Smith's relations to the physiocrats.

Capt. A. T. Mahan has completed his *Life of Nelson*, which may be expected to be issued this spring in two volumes.

The letters of the Duke of Wellington to Lord Hill, numbering 247, were lately purchased by the British Museum at the auction of the autograph letters and documents belonging to the late Viscount Hill.

Volume VI. of Traill's *Social England*, extending from Waterloo to the general election of 1885 and completing the work, has now been published (Cassell and Co.).

The publishing house of John Murray announces the *Letters of Frederick, Lord Blachford, Under Secretary of State for the Colonies, 1860-1871*, edited by G. E. Marindin.

The Irish Literary Society intends to bring out a work on the authorities for the history of Ireland, on the same general plan as that of Gardiner and Mullinger's *Introduction to English History*. It is intended to include the contemporary documents, the later authors who had access to trustworthy sources and the chief modern authors, and to devote special attention to such authorities as are still unpublished or not easily accessible.

Messrs. Sampson Low, Marston and Co. have just brought out the first volume (1602-1613) of the series of *Letters received by the East India Company from its Servants in the East*, with an introduction by Mr. F. C. Danvers, a record publication which we have heretofore announced (I. 777). The subscription is eight guineas for the set of ten volumes covering the years from 1602 to 1619. The Madras government intends to continue its printing of the Consultation Books or official diaries of the government for the seventeenth century and to issue an English translation of the extensive journal, kept in Tamil, of Runga Pillay, confidential agent of Dupleix while he was at the head of the French affairs in India. This diary will be edited, with a historical introduction, by Mr. Forrest, Director of Records.

Mr. B. H. Baden-Powell, formerly Judge of the Chief Court in the Punjab, and author of three volumes on the *Land Systems of British India*, has published, through Messrs. Longmans and Co., a book on *The Indian Village Community*, examined with reference to the physical, ethnological and historical conditions of the several provinces, chiefly on the basis of the Revenue Settlement Records and District Manuals.

Noteworthy articles in periodicals: L. Knappert, *Le Christianisme et le Paganisme dans l'Histoire Ecclésiastique de Bède le Vénérable* (Revue de l'Histoire des Religions, July-August); F. Liebermann, *Die englische Gilde im achten Jahrhundert* (Archiv für das Studium der neueren Sprachen und Litteraturen, 1896, 3-4); F. Liebermann, *Peter's Pence and the Population of England about 1164* (English Historical Review, October); F. W. Maitland, *Canon Law in England*, II. (English Historical Review, October); E. D. Morris, *The Jerusalem Chamber* (Presbyterian and Reformed Review, October); James Gairdner, *New Lights on the Divorce of Henry VIII.*, I. (English Historical Review, October); *Lady Arabella Stuart and the Venetian Archives* (Edinburgh Review, October); H. C. Foxcroft, *The Works of George Savile, First Marquis of Halifax* (English Historical Review, October); *The Drommore Papers* (Edinburgh Review, October).

#### FRANCE.

The first fascicule of vol. III. of the *Bibliographie des Travaux Historiques et Archéologiques publiés par les Sociétés Savantes de la France* has just been published. It makes a beginning with the societies of which the headquarters are at Paris.

In the *Mémoires Couronnés de l'Académie de Belgique*, Vol. XLIX (Brussels, Hayez) M. Louis Tierenteyn has published an important monograph entitled *Sur la Position des Comtes dans le Royaume Franc depuis Clovis jusqu' au Traité de Verdun* (151 pp.).

The Société Académique of St. Quentin has published a magnificent volume in commemoration of the battle fought near that town. It is called *La Guerre de 1557 en Picardie: Bataille de St. Laurent, Siège*

de St. Quentin, Prises du Catelet, de Ham, de Chauny et de Noyon (ccxxix, 439 pp). About one-third of the volume consists of monographs relating to the battle or the campaign, by members of the society; the other two-thirds is made up of 135 documents from the archives at Simancas, and from those of France, Belgium, etc.

M. E. Fournol's *Bodin, Précurseur de Montesquieu* (Paris, A. Rousseau) presents, besides what its title implies, an important general study of Bodin, and of his relations to Rousseau as well as to Montesquieu.

MM. Hachette have published the twelfth volume of M. de Boislisle's monumental edition of the *Mémoires de Saint-Simon* (683 pp.). The new volume is devoted to the year 1704 and the first months of 1705.

Mgr. de Salamon's *Memoirs during the Revolution*, memoirs of one who was internuncio at Paris from 1790 to 1801, recently discovered and published in France, are now issued in an English translation by Messrs. Little, Brown and Co., with a preface, introduction, notes and documents by Abbé Bridier.

About half of Professor W. M. Sloane's *Life of Napoleon Bonaparte* is now ready. The complete work will consist of 22 parts, each containing 48 pages of text and 14 full-page illustrations, beside maps and lesser drawings prepared to illustrate campaigns and battles. Of the 14 larger pictures in each part, four are *typographies* or reproductions of paintings in the original colors, four are in tint, and six are products of wood-engraving and process work in black and white. The publishers are the Century Co. Our notice of the work will be deferred until publication is complete.

Noteworthy articles in periodicals: L. Batiffol, *Le Châtelet de Paris vers 1400*, cont. (*Revue Historique*, November); G. Fagniez, *L'Opinion Publique et la Polémique au temps de Richelieu* (*Revue des Questions Historiques*, October); E. Lavisse, *Colbert Intendant de Mazarin* (*Revue de Paris*, September 1); *Napoleon III.* (*Edinburgh Review*, October); E. Lamy, *Le Gouvernement de la Défense Nationale* (*Revue des Deux Mondes*, June 15, July 15).

#### ITALY, SPAIN, PORTUGAL.

Fratelli Bocca of Milan furnish an index-volume (viii, 638 pp.) to the first twenty years, 1874 to 1893, of the *Archivio Storico Lombardo*.

Messrs. Archibald Constable and Co. are to publish a volume of selections from the *Chronicle of Villani*, edited by the Rev. Philip H. Wicksteed, whose aim has been especially to select those passages that throw most light upon the *Divina Commedia*.

The publishers of the *Lettere e Documenti del Barone Bettino Ricasoli* have brought out an elaborate and complete index to the ten volumes, similar to that which has been added to Chiala's edition of the letters of Cavour.

The Academia de la Historia has finished the printing of its new edition of the *Lex Romana Visigothorum*, after the palimpsest of the cathedral of Leon, with an introduction by Señores Cárdenas and Fita.

In the series of *Sozialgeschichtliche Forschungen* published as a supplement to the *Zeitschrift für Social- und Wirthschaftsgeschichte*, the first issue is a small book by Dr. K. Häbler, *Die Geschichte der Fugger'schen Handlung in Spanien* (Weimar, E. Felber, pp. 237).

The commemoration of the voyage of Vasco da Gama ("Centenario da India"), of which we have heretofore spoken, has been deferred, by the committee and the Portuguese government, to May, 1898.

Senhor H. da Gama Barros has published the second volume of his important *Historia da Administração Publica em Portugal nos Seculos XII à XV* (Lisbon, 1896, 413 pp.).

Noteworthy articles in periodicals: Wentworth Webster, *Ignatius Loyola as a Basque* (Academy, October 3); A. Baudrillart, *L'Influence Française en Espagne au temps de Louis I<sup>er</sup>; Mission du Maréchal de Tessé, 1724* (Revue des Questions Historiques, October); G. Desdevises du Dezert, *Le Régime Foral en Espagne au dix-huitième Siècle* (Revue Historique, November).

#### GERMANY, AUSTRIA, SWITZERLAND.

At the fourth *Versammlung deutscher Historiker*, which took place at Innsbruck on September 11-14, the chief matters discussed were: The facilitating of the use of archives, the recent tendencies toward economic and social history, the possibilities of coöperation between German universities in historical work, and the systematization of documentary publications.

We mentioned in our last number the series of monographs which, under the title of *Historische Bibliothek*, the editors of the *Historische Zeitschrift* have resolved to issue. The first of these has now appeared, a monograph on the earlier life of the late editor of the review, by Th. Schiemann, *Heinrich von Treitschke's Lehr- und Wanderjahre, 1834-1866* (Munich, R. Oldenbourg, pp. 270). An article on Treitschke, by P. Bailieu, accompanied by letters of Treitschke to Freytag, Bismarck, etc., appeared in the *Deutsche Rundschau* for October.

The Historical Commission connected with the Bavarian Academy has published, in the series *Chroniken der deutschen Städte*, and in the division *Die Chroniken der schwäbischen Städte*, the fifth volume of the chronicles of Augsburg (Leipzig, S. Hirzel, 459 pp.)

The Prussian Institute has now published the first volume of its part of the *Repertorium Germanicum*; *Regesten aus den päpstlichen Archiven zur Geschichte des Deutschen Reiches und seiner Territorien*, namely, Vol. I. of the series for the pontificate of Eugenius IV., edited by R. Arnold (Berlin, A. Bath). The work of the institute, especially in the publi-



cation of the *Nuntiaturreichte*, is reviewed and described by Max Lenz in the *Deutsche Rundschau* for last April.

Professor Georg Kaufmann of Breslau has just published the second volume of his important *Geschichte der deutschen Universitäten*, continuing their history to the close of the Middle Ages (Stuttgart, Cotta, pp. 587).

In Heft 3, 1896, of the *Zeitschrift für deutsches Alterthum* Dr. Heyne has a general review of recent publications concerning the history of studies and students' language in Germany.

The Fürstlich Jablonowski'sche Gesellschaft, of Leipzig, offers a prize of three thousand marks for the best history of the Hansa from the peace of Stralsund (1370) to that of Utrecht (1474). The prize is to be awarded in 1900.

The fifth volume of Karl Lamprecht's *Deutsche Geschichte* is reviewed, in an article of 63 pages, by Max Lenz in the *Historische Zeitschrift*, LXXVII. 3.

In the *Mittheilungen des Vereins für Geschichte der Deutschen in Böhmen*, XXXIV. 3, Dr. Löwe continues a review of publications relating to Wallenstein, 1884-1895.

Dr. Martin Philippson has published the first volume (1640-1660) of a work entitled *Der Grosse Kurfürst Friedrich Wilhelm von Brandenburg* (Berlin, S. Cronbach, pp. 452).

The historical section of the archives of the Department of War at Vienna has undertaken the publication of a very extensive documentary history of the wars of Maria Theresa, beginning with a history of the War of the Austrian Succession, *Esterreichischer Erbfolgekrieg, 1740-1748, von der kriegsgeschichtlichen Abtheilung des k. k. Kriegsarchivs*. The first volume, which has just appeared (Vienna, Seidel, pp. 1125) is in name merely an introduction, but it constitutes a scholarly, impartial and thorough exposition of the political, administrative and military condition of Austria and Hungary in 1740, written by the most competent specialists, Marczali, Adolf Beer, Kienast, etc.

In continuation of the list of publications in the Lehmann controversy over the origin of the Seven Years' War given in our April number (I., 591, 592) we may now add the mention of: Adolf Beer, *Mittheilungen des Instituts für oesterreichische Geschichtsforschung*, XVII. 1; E. Marcks, *Allgemeine Zeitung*, 1896, nos. 92, 93, 94; K. Th. Heigel, *Deutsche Zeitschrift für Geschichtswissenschaft, Monatsblätter*, April, May; Julius Franz, *Grenzboten*, 1896, nos. 27, 28, and a second article (of more than 200 pages) by Alfred Naudé, in *Forschungen zur brandenburgischen und preussischen Geschichte*, IX.

*Allemagne de 1789 à 1810*, by E. Denis (Paris, May et Motteroz), is recommended as a general work of the highest excellence.

Dr. Friedrich Meinecke, archivist at Berlin, has made an important contribution to Prussian history by publishing the first volume of a *Leben des Generalfeldmarschalls Hermann von Boyen* (Stuttgart, Cotta); for Boyen was the creator of the Prussian army organization of 1814.

Professor Ottokar Lorenz has published a collection of his essays under the title *Staatsmänner und Geschichtschreiber des 19. Jahrhunderts; Ausgewählte Bilder* (Berlin, Besser, pp. 360).

Colonel von Lettow-Vorbeck has written a *Geschichte des Kriegs von 1866 in Deutschland*, which will form three volumes. The first, Gastein to Langensalza, with illustrative maps, plans and sketches, has just been published by E. S. Mittler and Sohn of Berlin. The second and third volumes will appear in 1897 and 1898 respectively.

Dändliker's *History of Switzerland* is to appear in an English translation, published by Messrs. Swan, Sonnenschein and Co.

Professor E. Blösch, librarian of the city of Bern, has published a complete catalogue of its manuscripts relating to the history of Switzerland (Bern, J. Wyss, pp. 847).

#### NETHERLANDS AND BELGIUM.

Abbé Alfred Cauche, professor of history in the University of Louvain, has for some time, and with much promise of success, urged upon the Belgian government the desirability of establishing a Belgian historical school at Rome. Readers of Professor Haskins's article in our last number will be interested in the abbé's address before the archæological and historical congress at Tournai, *De la Création d'une École Belge à Rome* (Tournai, Castermann, 69 pp.), in which he describes the Vatican archives and the schools already founded at Rome, and argues for the establishment of a Belgian school.

The *Revue des Questions Historiques* for October contains a review of the recent Belgian historical publications, by A. Delescluse.

#### NORTHERN AND EASTERN EUROPE.

The *Revue des Questions Historiques* for October contains a review of the recent Swedish historical publications (1895), by E. Beauvois.

Vol. II. of the "Northern Library" (David Nutt) will be the *Story of Throned of Gate and the Men of the Faereys* (Faereyinga Saga), translated by Professor F. York Powell of Oxford. The *Landnåma Bók*, edited by the late G. Vigfússon and Professor York Powell, is among the announcements of the Clarendon Press.

Seven of the most eminent Danish historians, Joh. Steenstrup, Kr. Erslev, A. Heise, V. Møllerup, J. Fredericia, Ed. Holm and A. D. Jørgensen, have begun the publication of a monumental history of Denmark in six large and handsomely illustrated volumes. The work, entitled *Danmarks Riges Historia* (Copenhagen, Det nordiske Forlag) has been

for eight years in preparation, and is intended to satisfy both scholars and the general public. The authors treat of the successive periods of Danish history in the order in which they have been named above.

The last published volume of Professor Martens's *Recueil des Traités et Conventions conclus par la Russie avec les Puissances étrangères* (Vol. XI.) contains the treaties with England from 1801 to 1831, and other important state papers fully annotated.

#### AMERICA.

Messrs. Longmans, Green and Co. announce the publication of a series of small volumes to be called *The American Citizen Series*, to be edited by Professor A. B. Hart, of Harvard University, and to treat various phases of the political, economical, and social life of the nation, with considerable reference to its history. The volumes at present announced are one upon the *Financial History of the United States* by Professor Davis R. Dewey of the Massachusetts Institute of Technology; one on *American Foreign Policy, Diplomacy and International Law* by Professor John B. Moore of Columbia University; a *History of Political Parties in the United States* by Professor A. D. Morse, of Amherst College; a volume on *The Elements of Political Economy with special reference to American conditions*, by Professor E. R. A. Seligman, of Columbia University; an *Outline of Practical Sociology, with special reference to American conditions*, by Col. Carroll D. Wright, United States Commissioner of Labor; and a volume on *Actual Government as applied under American conditions*, by Professor Hart.

The concluding number of the fourteenth series of the *Johns Hopkins Studies in Historical and Political Science* is a careful and scholarly treatise by Mr. F. E. Sparks on the Causes of the Maryland Revolution of 1689. It is announced that the fifteenth series (1897) will consist of a series of dissertations upon topics in American economic history. The following are announced: The Street Railway System of Philadelphia, by F. W. Speirs; The Financial History of Baltimore, by J. H. Hollander; The American School of Political Economy, by Sidney Sherwood; History and Theory of Trusts, by H. L. Moore; State Banking in Maryland, by A. C. Bryan; State Tax Commissions in the United States, by J. W. Chapman; The Tobacco Industry in Virginia since 1860, by B. W. Arnold; The Economic History of the Baltimore and Ohio Railroad (1827-53), by Milton Reitzenstein; The South American Trade of Baltimore, by F. R. Rutter; Irrigation in Utah, by C. H. Brough.

The *American Catalogue* for the years from 1890 to 1895 contains a list of the publications of the federal and state governments, such as was inserted in the last volume of the collection.

W. G. Hedeler, of Leipzig, expects to issue in December or January the first part of a *List of Private Libraries*, including more than five hundred important private collections of the United States and Canada.

Information is to be given, chiefly derived from the owners, respecting the number of volumes and other particulars relating to the various collections. An index is to be added. The second part, now under preparation, will relate to the important private libraries of Great Britain.

Messrs. Dodd, Mead and Co. are the publishers of *American Book Clubs*, an account of clubs that have issued books for their members, from the earliest times to the present, with annotated lists of the books published, by A. Growoll, managing editor of the *Publisher's Weekly*.

In the *Proceedings of the American Antiquarian Society* at the semi-annual meeting held in Boston, April 29, 1896, the chief papers printed are one by Mr. J. E. Green on Our Dealings with the Indians; one by Mr. A. McFarland Davis on Legislation and Litigation connected with the Land Bank of 1740; and one by Mr. Stephen D. Peet on the History of Explorations in the Mississippi Valley.

The Huguenot Society of America has issued the first part of the third volume of its *Proceedings*. It includes articles on the Huguenots of Pennsylvania, Rhode Island and New Paltz, N. Y., and one by Professor Baird on the recovery of religious liberty by the Huguenots in France.

The *Report of the United States Commissioner of Education* for the year 1893-4, Vol. I (Washington, 1896, 1061 pp.) contains a hundred pages by Rev. A. D. Mayo on "Public Schools in the United States during the Colonial and Revolutionary Periods," and a bibliography of the negro in America. The second volume contains, among other things, a list of historical, biographical and genealogical societies in the United States.

The Peabody Museum of American Archæology (Cambridge, Mass.) has begun the publication of quarto *Memoirs*. The first number is *Prehistoric Ruins of Copan, Honduras: A Preliminary Report of the Explorations by the Museum, 1891-1895*. Three more numbers will soon follow: No. 2, *Explorations of the Cave of Lol Tun, Yucatan*, by E. H. Thompson; No. 3, *The Chultunes of Labna*, by the same; No. 4, *Reconstruction of the Ancient Mexican Calendar System*, by Mrs. Zelia Nuttall.

In the October number of the *Catholic University Bulletin*, the editor begins the reprinting of the documents in the Vatican archives relating to Greenland and America which Mr. Heywood printed in the rare work (*Documenta Selecta*, etc.) mentioned by Mr. Haskins on page 57 of our October number.

Count Loubat's prize for American history has been awarded by the Prussian Academy to Eduard Seler for his *Die Mexicanischen Bilderhandschriften Alexanders von Humboldt in der k. Bibliothek zu Berlin*.

Mr. George P. Winship has reprinted in advance, from the *Fourteenth Annual Report of the Bureau of Ethnology*, a list of works useful to the

student of the Coronado Expedition, prepared with the utmost care and annotated.

At the October meeting of the American Antiquarian Society, a committee was appointed to arrange for the copying and eventually for the printing of the petitions of American Loyalists addressed to the British Crown with a view to pecuniary relief. These papers will throw much light upon the position before the Revolution and the actions in the Revolution, of a multitude of individual Tories.

Mr. Paul L. Ford has printed in a small edition (100 copies) a *Bibliography and Reference List of the History and Literature relating to the Adoption of the Constitution of the United States, 1787-8* (58 pp.) This admirably complete little book of reference contains a bibliography including such editions of the Constitution itself as were printed during the discussion and before ratification. This is followed by reference-lists of histories and printed documentary authorities, newspaper essays, convention proceedings, biographies of members, partisan pamphlets and pieces relating to the contest in the states.

Messrs. Haight and Co., of Toronto, have just issued Part I. of *The Canadian Catalogue of Books*, compiled by W. R. Haight. The *Catalogue* constitutes the first systematic attempt to do for Canadian trade bibliography what the *English Catalogue* and *American Catalogue* have done for trade bibliography in Great Britain and the United States. It is intended to include all the books or pamphlets published in the Dominion of Canada from the first printed book in 1767 to the end of 1895. Annual supplements will subsequently be printed. This first part records over a thousand titles, with an author-list, index of titles and a chronological index. Technically it is somewhat imperfect, but it is certain to be useful to historical students.

The first volume of the handsome and monumental new edition of the *Jesuit Relations*, edited by Mr. R. G. Thwaites, has now appeared (Cleveland, Burrows Brothers Co.). We shall take notice of the edition more fully in a later number.

The extensive manuscript collections of the Jesuit College of St. Mary, at Montreal, have recently been placed in a fire-proof vault in the basement of the college building. The manuscripts, including many papers written by those Jesuit fathers who were engaged in the early exploration of the Great Lakes and the territory lying beyond them, have been carefully arranged by the archivist, Father A. E. Jones.

The *New England Historical and Genealogical Register* for October contains an index to all the genealogies and pedigrees which have appeared in its pages during the fifty years of its existence. The list is compiled by Mr. William W. Wight, of Milwaukee.

At the last session of the General Assembly of Rhode Island the governor was authorized to appoint a State Record Commissioner "whose

duty it shall be to prepare for the use of the State a detailed report of the number, kind and condition of the various public records in the custody and under the control of State, city and town officers in this State; and such parish or church records as may be obtainable relating to extinct or active church organizations in said State, and, as far as possible, of the records and place of deposit in other States relating to the several cities and towns in the State of Rhode Island." Under this resolve, Mr. R. H. Tilley, of Newport, has been appointed State Record Commissioner.

The last issues in the series of *Papers from the Historical Seminary of Brown University*, Nos. 6 and 7, are a paper on the *East India Trade of Providence, 1787 to 1807*, by Miss Gertrude S. Kimball; and a paper on *Appeals from Colonial Courts to the King in Council, with especial Reference to Rhode Island*, by Mr. Harold D. Hazeltine.

Dr. Bernard C. Steiner, of the Pratt Free Library, Baltimore, Md., proposes to issue to subscribers a *History of the Plantation of Menunkatuck and the original Town of Guilford, Conn.*, comprising the present towns of Guilford and Madison, and extending in a volume of some 500 pages from 1639 to 1896. The volume is based partly upon collections made by the late Ralph Dunning Smith.

The General Synod of the Reformed Church in America, which already possesses a collection of some 1200 letters and documents which passed between the Dutch churches in colonial America and the Classis of Amsterdam, has appointed a committee to prepare these for publication and to obtain copies of such other papers on the same subject as are still in the possession of the Classis of Amsterdam. The committee propose to send an agent to Holland for this purpose, and desire contributions to a fund of \$5000 which is needed for the execution of their purposes. The papers alluded are of course an invaluable mine of information respecting the ecclesiastical and civil history of early New York and New Jersey.

By the munificence of Mr. John S. Kennedy, one of the Trustees of the Lenox Library, the immensely valuable autograph collections of Dr. Thomas Addis Emmet, containing materials of much importance for American history, have been added to the treasures of historical manuscript already in the possession of that library.

A parallel to the *Old South Leaflets* is projected in New York by the New York History Club, under the editorship of Mrs. Maud Wilder Goodwin, Mrs. Alice Carrington Royce and Miss Ruth Putnam. The *Half Moon Series* of papers on historic New York will be published during the coming year. The pamphlets will be issued monthly at a low price. Among the subjects treated will be The Stadt Huys of New Amsterdam, by Mrs. Alice Morse Earle; Anneke Jans' Farm, by Miss Ruth Putnam; Wall Street, by Mr. O. G. Villard; King's College, by Mr. John B. Pine; Tammany Hall, by Mr. Talcott Williams; The Bowery; Governor's Island, etc.



The Munson-Williams Memorial building, erected for the Oneida Historical Society by Mrs. Helen Munson-Williams and her daughters, Mrs. T. R. and Mrs. F. T. Proctor, was dedicated on December 1. Addresses were made by the acting president of the society, Mr. George D. Dimon, by Judge Alfred C. Coxe and by Chancellor A. J. Upson.

Mr. Peter A. Portor has printed at Niagara Falls, New York, in a pamphlet of 84 pages, with many interesting illustrations, an excellent *Brief History of Old Fort Niagara*, from the earliest times down to 1826, when the soldiers were withdrawn, since which time the fort has not ranked as a defensive work.

The October number of the *Pennsylvania Magazine of History and Biography* presents a document of the greatest interest in Pennsylvanian history, a rough draft of a constitution for Pennsylvania prepared by Penn before what is known as the "Frame of Government" was written. This draft, found among the Penn papers in the possession of the Historical Society of Pennsylvania, is headed "The Fundamentall Constitutions of Pennsilvania as they were drawn up, settled and signed by William Penn, Proprietary and Governour, and consented to and subscribed by all the First Adventurers and Freeholders of that Province as the Ground and Rule of all Future Government;" but the title seems to indicate nothing more than that it was Penn's intention to submit this draft for the approval of the colonists, not that it was actually so signed. The other contents of the number are mostly continuations of the articles in the July number, noted in our last issue.

The state printer of Pennsylvania has in press, to be issued very shortly, six volumes of the third series of the *Pennsylvania Archives*, three of these volumes containing accounts of the lieutenants of the counties during the Revolutionary War, while the other three consist of proclamations, commissions, and patents prior to the year 1800. These volumes are edited by Dr. W. H. Egle, State Librarian.

The Southern History Association begins with the new year to issue its publications in the form of a quarterly. Subscriptions may be sent to the secretary, Dr. Colyer Meriwether, 325 East Capitol Street, Washington.

The October number of the *William and Mary College Quarterly Historical Magazine* contains a great variety of interesting matter relating to the history of colonial Virginia; the journal of the President and Masters of William and Mary College is continued; a list of the county committees of 1774 and 1775, and a list of the Burgesses of 1692-1693 are given. Other articles relate to the Ohio Company, the vice-admiralty court of Virginia, and the early history of certain industries in the colony.

Dr. Stephen B. Weeks, of the United States Bureau of Education, is preparing, from manuscript and other materials, a work on *The Life and*

*Times of Willie P. Mangum, Senator of North Carolina and President of the United States Senate.* He solicits correspondence with any person who has letters of Mangum or other material relating to his life or to the contemporary period in the history of his state. Dr. Weeks also proposes to publish a comprehensive general bibliography of North Carolina, carrying on the work begun by his previous bibliography of the historical literature of the state.

The state of South Carolina has received from London and bound in complete series the transcripts relating to its colonial history which have been made for it in the Public Record Office. The state has also begun the work of arranging in proper form its Confederate records.

The October number of the *American Historical Magazine* (Nashville, Tenn.) contains a paper by R. L. McDonnold on the "Reconstruction Period in Tennessee;" another, by S. A. Link, on the "Beginning of Literature in the Southern Ohio Valley;" a large amount of genealogical matter, and a brief installment of the correspondence of Gen. James Robertson.

Miss Annah May Soule follows up her last year's dissertation on *The International Boundary of Michigan* with an excellent and thorough study of *The Southern and Western Boundaries of Michigan* and of the political contests concerning it. This is printed as the first of a series of Studies in Michigan History, in the *Publications* of the Michigan Political Science Association (pp. 73).

The Chicago Historical Society opened its new building to the public on December 15. The corner-stone of the building was laid in November, 1892. It is a handsome and massive structure, absolutely fireproof. It contains a French Hall, with interesting and valuable relics of old Illinois; a large lecture-room and a reading-room, with many interesting portraits and memorials; and a library now containing 20,000 volumes and 40,000 pamphlets, and capable of extension so as to include 300,000 volumes.

The Caxton Club of Chicago intends to issue, as its first publication, a page-for-page and line-for-line reprint of Joutel's *Journal of La Salle's Last Voyage*, after the first English translation, London, 1714. The book will include a facsimile of the folding map given in the French edition of 1713, and notes by Mr. Melville B. Anderson. A handsome edition, limited to 206 copies, is intended.

No. 7 of the *Publications of the Parkman Club* is a pamphlet of seventy pages by Mr. W. W. Wight on *Eleazer Williams—His Forerunners, Himself*, a careful and scholarly examination of the whole story of the alleged Louis XVII. Nos. 8 and 9, briefer pamphlets, are: *Charles Langlade—First Settler of Wisconsin*, by M. E. McIntosh; and *The Germans in Wisconsin Politics—I. Until the Rise of the Republican Party*, by Ernest Bruncken.

At the November meeting of the Minnesota State Historical Society, Gen. E. C. Mason read an important paper upon the San Juan Island incident, in which he had a part.

The publishing house of Otto Wigand in Leipsic will issue a volume on Ebenezer and Amana, *Die wahre Inspirations-Gemeinde in Iowa*, by Professor Karl Knortz, of Evansville, Ind.

A review, partially historical in contents, called *La Biblioteca*, and published in Buenos Aires, began publication in June. It is to appear monthly. The July number contained an account of the Congreso Americano at Lima.

Noteworthy articles in periodicals: M. Staglieno, *Documenti relativi à Cristoforo Colombo ed alla sua famiglia* (*La Cultura*, July 15); M. Jimenez de la Espada, *Primer Siglo de la Universidad de Lima*, I (*Revista Crítica de Historia y Literatura Españolas*, August); W. Notman, *The Early Bermuda Church* (*Presbyterian and Reformed Review*, October); F. W. Grey, *The Jesuits and New France in the Seventeenth Century* (*American Catholic Quarterly Review*, October); *Codfish and Currency* (*Nation*, December 10); L. R. Harley, *The Redemptioners* (*New England Magazine*, October); A. McF. Davis, *The Currency Discussion in Massachusetts in the Eighteenth Century*, I (*Quarterly Journal of Economics*, October); C. Higham, *The Rev. Jacob Duché* (*New-Church Magazine*, September, October); Woodrow Wilson, *The First President of the United States* (*Harper's Magazine*, November); Horace Porter, *Campaigning with Grant* (*Century Magazine*, November, December).

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We have received from the Chief of the Bureau of Rolls and Library in the Department of State, the official editor of the *Bulletins* of that bureau, the following communication:

In a notice of No. 7 of the Bulletin of the Bureau of Rolls and Library of the Department of State, in Vol. II, No. 1, of this REVIEW, October, 1896, page 188, the following passage occurs:

"The only explanation given in these bulletins concerning this index is the following, printed at the head of the instalment in each issue: 'For the purposes of this index the several classes of papers deposited in the Bureau of Rolls and Library are considered as one collection. The bureau under existing equipment cannot confine its indexes or catalogues to any

one particular class or collection of papers without neglecting others to which there exists at present little, if any, clue.' "

The explanatory matter from the Bulletin appears at page 25 of Bulletin No. 1, and is repeated in Bulletin Nos. 3, 5 and 7.

The words quoted, however, are not "the only explanation given," for at page 4 of Bulletin No. 1 this announcement is made :

"It will be understood that as a rule no index given in the bulletin is complete in itself with respect to any one letter of the alphabet. It may, however, be found possible occasionally to print a complete catalogue of some particular class or collection of papers, as, for example, the Monroe Calendar."

While beginning with Bulletin No. 3, and repeated in Nos. 5 and 7, this memorandum is printed on the reverse of the title page in each case.

"Bulletin No. 1, issued September, 1893, contains (1) a catalogue exhibiting the existing arrangement of the papers of the Continental Congress; (2) a partial miscellaneous index of manuscripts of the Continental Congress examined to the date of going to press; (3) The Documentary History of the Constitution for the period preceding the Federal Convention—being the Annapolis Convention and credentials of delegates to the Federal Convention."

It is commonly known that there is no such index in existence as a complete index of the papers of the Continental Congress from which to select instalments for publication. The making of such an index, by the Bureau having custody of the papers with its present equipment, would require many years of constant application. (The Index Books of sixty years ago are incomplete, vague and generally inadequate to present demands.) And then, too, from 1775 to 1789, just as at the end of the nineteenth century, events occurred simultaneously or chronologically, not alphabetically. "Could a calendar of historical documents," the reviewer asks, "published at the end of the nineteenth century by one of the chief governments of the world, be constructed on principles more extraordinary?" Surely—with the utmost ease. Nothing could be simpler, nothing less "extraordinary" than the "principles" on which the index under ban is "constructed." It is a current index, arranged in alphabetical order, as far as it may have proceeded when the Bulletin goes to press, Bulletin by Bulletin. It is printed as quickly as made so that the present generation may enjoy some use of the papers of the Congress. The principles upon which it is constructed are exactly similar to the principles upon which a list of accessions to a library catalogue of books is constructed. This is a list of accessions to an index of collected manuscripts, published for immediate use; and it bears the same relation to a completed index as a library accession list bears to a completed catalogue. It was offered as a "partial miscellaneous index," not as a calendar; and until the appearance of the notice of Bulletin No. 7 in the REVIEW the published explanations of its character were

believed to be ample to meet the exactions of all intelligent investigators consulting the Bulletin. When finished and arranged it will be an Index of the Records of the Continental Congress constructed upon principles differing from those upon which the Monroe, Madison and Jefferson Calendars were constructed only as an Index differs from a Calendar. The simple question—the sole question is, shall nothing be given until the completion of the work, many years hence?—for there is no alternative. In other words, is that which is now given, in the Bulletin (as the manuscript is examined) better than nothing? The actual experience of constant correspondence answers most emphatically that it *is* better than nothing. Intelligent and legitimate criticism is most welcome; but there is a limit. Such criticism must be well informed. An assault, based upon lack of care or apprehension—insufficient information—is another matter. An essay at ridicule to support a point without existence serves no purpose.

A. H. A.

[I must apologize for having overlooked any portion of Mr. Allen's exposition of the method which he is following; and I should be sorry to be thought to visit with other than legitimate criticism a series so useful and to which we are all so much indebted. But I fear that the nature of my criticism on the section in question has been misunderstood. The essential part of it may be restated in the following form: The matter headed "Miscellaneous Index" in *Bulletins* 1, 3, 5, 7, is almost exclusively a calendar to Chapter A, No. 78, in the archives, *i. e.*, substantially, to the letters to the President of Congress, exclusive of those addressed to him by the heads of the executive departments, the agents of the United States in foreign countries and those of foreign states in America, and the general officers of the army—a collection of twenty-four volumes of related matter. Nearly all of these volumes, it appears, have now been indexed. My contention was, that the convenience of students would have been much better subserved if all these index-entries had been allowed to wait during these two or three past years, and had then been brought out in one alphabet. It is true that the events of the Revolution did not happen, nor were these letters written, in an alphabetical order. But Mr. Allen has arranged them in an alphabetical order. My complaint was, in effect, that these items appeared in the *Bulletins* not in one alphabet, but in four. The matter embraced in Chapter A, No. 78, having a certain unity, and the volumes being large, a unification of the index appeared to me highly desirable. From a careful examination of the items, it seemed to me that such a unification might readily have been achieved. I am sorry if my disappointment expressed itself in a form which seems to the editor captious. But it is not apparent to me

that there is no alternative between presenting no such index-matter and waiting for the completion of an index to the whole of the papers of the Continental Congress. Mr. Allen's own admirable calendars to the Jefferson, Madison and Monroe Papers furnish a type of an intermediate solution of the problem, applicable, one would think, wherever in the archives a large body of related matter is found.—THE REVIEWER.]



